May 1977 $1.50

California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

California's populist new Chief Justice, ROSE ELIZABETH BIRD

How tarnished is the Golden State?

The truth about our business climate

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A PERSONAL PERSPECTIVE . . .

By Ed Salzman

Robin Hood and the middle class

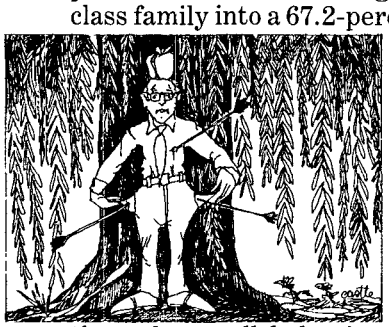
This may well become known as the year in which the Democrats planted the seeds of Republican revival in California. In reacting to the property-tax revolt, Democratic leaders have become blinded to the current economic realities in California and are sticking with their Robin Hood philosophy of "taking from the rich and giving to the poor."

The bulk of the property tax relief is headed for those on the bottom rungs of the economic ladder, and there is a good chance the state income tax will be increased for those at the top. In addition, there is a push for the institution of a local income tax equivalent to 15 percent of the state levy.

What this means is that those Californians who are already carrying a disproportionate share of the load — the middle class — will get hit even harder. If this message gets through to those families earning $20,000 to $50,000 a year and Republicans capitalize on it, trouble may be ahead for the Democrats.

Economists tell us that half of California's families will earn more than $18,000 this year. Under California tax laws, a single person with a taxable income of $15,500 is considered wealthy and thus is taxed at the maximum rate. Families with two breadwinners are becoming increasingly common, and that means that more and more of us are finding ourselves in the 61 percent bracket (50 percent federal and 11 percent state).

If some tax plans now under consideration in the Legislature come to pass, the maximum state income-tax will become 15 percent — plus 15 percent of that for local government. This would put an upper-middle class family into a 67.2-percent bracket, and many a Californian would be working part of each year for peanuts in take-home pay.



Current law does not take inflation into account. As a result, more and more Californians have been putting increasingly larger hunks of their salaries into income taxes. Over the past 10 years, the state income tax has risen twice as fast as the state budget. But there has been little or no protest because the money has been taken away piecemeal through payroll deduction. The property-tax revolt is not a protest of the poor. It comes from middle-class families hit hard by inflation and revenue laws which favor the poor (through lower rates) and the rich (through tax shelters).

Some Republicans see the political sex appeal in the taxation issue. But so-called tax-reform laws are invariably so complex that the citizen cannot compute the impact very handily. The job of the Republicans is to mount a visible campaign that will eliminate the simplistic rich-versus-poor imagery and concentrate on the tax problems of those Californians who pay the bills and decide elections — the beleaguered middle class.

California Journal

THE MONTHLY ANALYSIS
OF STATE GOVERNMENT AND POLITICS

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UP FRONT

Now that scar dal has struck the state Capitol reconstruction project, will it still be called "California Bicentennial Project?"

If Mayor Pete Wilson of San Diego doesn't win the Republican gubernatorial primary next year, don't be surprised if the San Diego newspapers endorse Jerry Brown for reelection. The link between Brown and Helen Copley, publisher of the formerly solid-Republican Union and Tribune, is Richard Silberman, political ally of the Governor and close personal friend of the publisher.

Two high-powered campaigns are under way to unseat Democratic Assemblyman Leroy Greene of Sacramento in the primary next year. The potential opponents, who say they will raise big money for their campaigns, are environmentalist Joan Reiss and attorney John Poswall. Greene usually wins by big margins, and Reiss and Poswall would divide whatever anti-Greene feeling they can generate.

The rumored appointment of Assemblyman John L. Miller of Berkeley to the bench could have a significant effect on the National Football League. Eugene Upshaw, the main man in the Oakland Raiders' offensive line, wants to run for Miller's seat and would have to quit football if he won.

Would you believe that a group of educators have formed an organization called the "Bowl of Spaghetti Committee"? Their job: try to resolve the problem of payment of part-time teachers in the community colleges. Superior Judge Harry Hupp of Los Angeles named the group when he described the law on part-time pay so difficult to unravel that it's like a bowl of spaghetti and urged educators to straighten it out.

Who says the Post Office is less than competent? Gene Rocklin of the University of California Institute of Governmental Studies received a letter from the state energy commission addressed this way:

FENE QOBHKIN
HNSS. OF FOUERNMDNIAL SSUDHES
UMIV. OF RALIFOQNIA — 008 MOSD
BDRKDLEY BA 4620

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Does the Golden State deserve its tarnished reputation?

By Ed Salzman

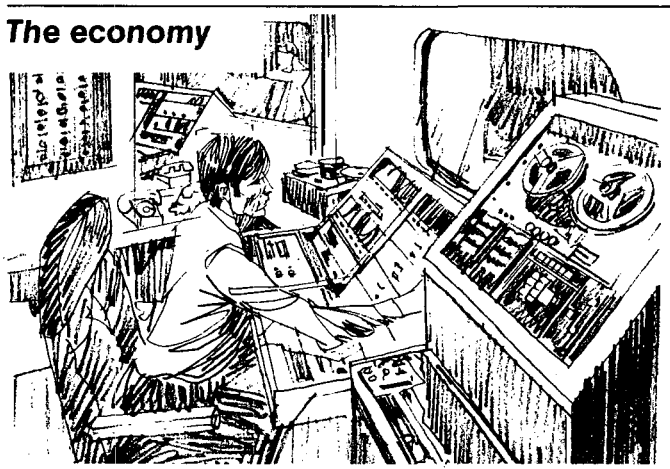
Gather round, Californians, and listen to the stories our fellow Americans are telling about our fair state. If you follow the national press, you would think that California is a fiscal basket case and that the good life that brought most of us here is rapidly vanishing.

Forbes magazine started a cover story on California this way: "A cloud considerably bigger than a man's hand now hovers over the State of California. Once the logical destination for upwardly mobile optimists ('California, Here I Come'), the state is now passing through a series of economic shocks and political stresses that have cast a pall of uncertainty and self-doubt over its future." *Newsweek* ended a story on the current drought comparing California to the dust bowl. The magazine quoted a San Joaquin Valley farmer: "In the old days you could go to California. But where do we go from here? It won't be long before there are new Okies on the move again." The Associated Press, the *New York Times* and other news organizations have picked up the theme that California has become a troubled state, no longer more attractive than other industrial states, and perhaps less so.

Has the Golden State tarnished as much as these Eastern Establishment publications would have the world believe? From a selfish point of view, California probably should promote these negative reports in an effort to discourage more Easterners from moving here. It was inevitable that California eventually would lose its reputation as the land of opportunity for those seeking a pot of gold, either in the Mother Lode or in Hollywood, or even in the development of cheap land. But the fact is that, while California has some major problems such as the drought and a high rate of unemployment, it still has a thriving economy and a lifestyle that is hard to beat anywhere in the world.

Most of the adverse articles on California have centered on one issue — the economy — without looking at other aspects of life in the state. Whether California is a "Paradise Lost," as *Forbes* put it, depends on a great many more factors than whether Dow Chemical Company was thwarted in its attempt to build a massive petrochemical complex at the northeast corner of San Francisco Bay. The business of California isn't entirely business, although a sound economy has been one of the state's most important underpinnings for many years. Here is a wider view of where California stands on various aspects of life.

The economy



The assumption that California has a poor business climate is based on three main factors — an unemployment rate that has been running higher than the nation's as a whole, a report by the Fantus consulting firm rating California 47th of the 48 contiguous states as a good place to locate a plant and l'affaire Dow. Yet, there are statistics showing that economic conditions in the state are far from bad. (See following article.) The big question now is how harmful the drought will be, but that is largely outside of human control.

The uproar over the Fantus study is based on the assumption that the location of more plants in California is good and that industrial expansion is something Californians want. Yet, there have been numerous indications, including several at the ballot box, that Californians are fed up with unlimited growth and want a halt to urbanization, suburbanization and various forms of pollution. The Dow controversy brought these two points of view into direct conflict. The unfortunate part about the Dow conflict was that somehow the impression developed, especially in labor circles, that there was a chance that the state was going to clear away the forest of environmental-protection red tape and allow Dow to proceed with the plant forthwith. The fact is that the environmentalists had a quiver full of legal arrows to shoot at the project, and it would have been many years before the courts would have said yes or no. By that time, Dow undoubtedly would have done what it did in January — abandon the project.

There is no question, Governor Brown's recent efforts notwithstanding, that California does not give business the red-carpet treatment it enjoys in other sunbelt states. Companies locate here because they have no reasonable alternatives, or because they want to take advantage of the state's large market or excellent educational institutions. The environmentalists have been winning the fight with business and labor interests over the growth policies of the state. As *Forbes* pointed out, "California has paid a pretty stiff price — in smog, urban blight, suburban sprawl, ravaged coasts and tawdry development inland — for past prosperity. An end of headlong growth, some environmentalists believe, greatly improves the odds on preserving

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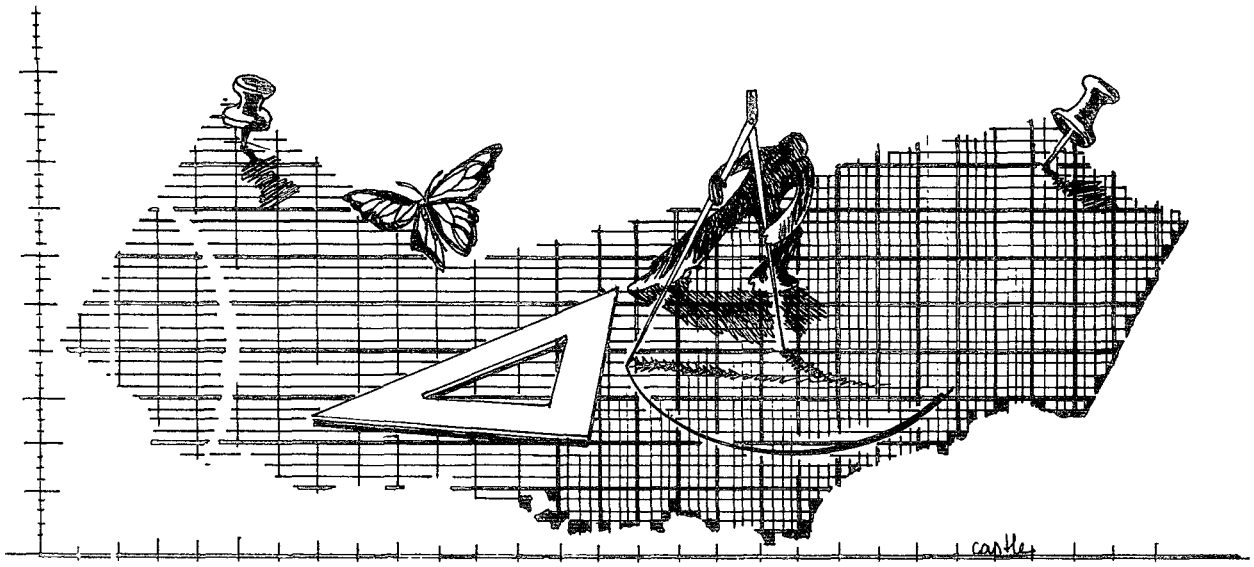
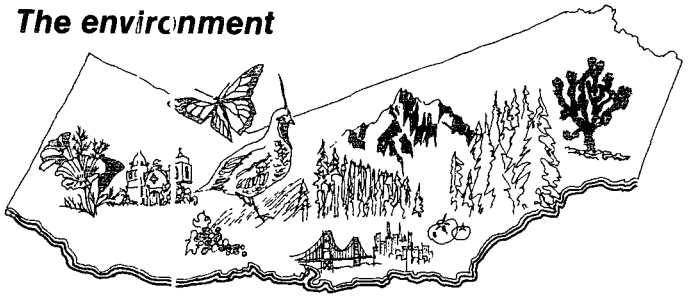


what is left of salubrious air and beautiful vistas and reclaiming what has been destroyed."

The environmentalists say they would rather see construction workers employed in the construction of a sewage-treatment plant, which will improve the quality of life, than on a chemical plant, which could add to the pollution problem. Business and labor leaders have formed a united front in insisting that the state take the lead in breaking down environmental restrictions they claim are responsible for the state's high unemployment rate. "Resolution of the conflict," said *Forbes*, "may ultimately require a particularly cold-blooded trade-off: How many premature deaths from pollution are worth how many jobs?" This is clearly an overdramatization of the problem. The California economy is not nearly in that bad shape.

The environment



It can be said that California has been spoiled by the developers and the automobile. But it also should be said that California has done more than any other major state, at least in the last decade, to protect its natural resources and prevent further destruction of the landscape. Despite the development of some sprawling cities, the massive influx of people into the state has stopped and our communities are stabilizing. There are still plenty of wide-open spaces in California, and despite some major problem areas, our cities must be rated higher than those in most industrial states.

For many years, California's air quality, particularly in the Los Angeles area, was a disgrace. But the smog problem has peaked, and the state now has an air-pollution program that is working, largely through the efforts of Tom Quinn, chairman of the Air Resources Board. California has the toughest auto pollution standards in the country, and Quinn has shown time and again that he means to enforce them. The big problem is trying to convince Californians that they must end their love affair with the automobile, especially in Southern California, if substantial improvement is to be made in air quality.

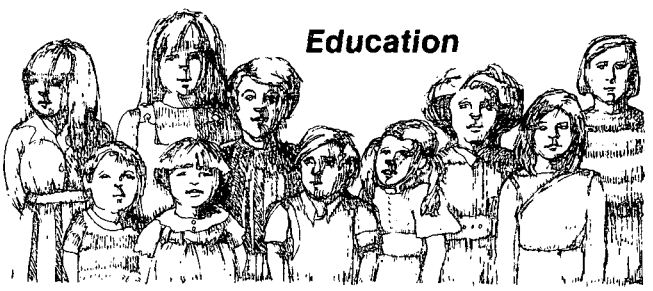
In the field of water pollution, California again has shown the way for the country. The state created the San Francisco Bay Conservation and Development Commission to halt filling of San Francisco Bay, and followed that with the Porter-Cologne Act, paving the way for the establishment of stringent water-quality standards throughout the state. Currently, the state is reducing some of its standards for the Sacramento-San Joaquin delta, but that is a temporary step during the drought. California has done an excellent job of developing water supplies for Southern California (some environmentalists claim too good a job), and the southern part of the state is now in better shape than the northern part.

California also has taken steps to protect some of its key topographical features, including the entire coastline, San Francisco Bay and Lake Tahoe. Despite the creation of "slurbs" during the period of rapid urbanization, California still has some cities which are considered among the most habitable in the nation — San Diego, San Francisco, Sacramento and Santa Barbara among them. And there must be some excellent reason to live in the Los Angeles metropolis because nobody is forcing so many millions of people to remain there.

One reason why there are so many Angelenos is that Southern California has the kind of climate that will attract people even with smog, traffic congestion, ugly oil fields and the disappearance of the orange groves. Climate is what brought many of us to California in the first place, and it is one of the factors that keeps us here, especially when we read about those harsh winters in the East.

Fortunately, California's population projections have been cut back sharply in the last 15 years. Earl Warren once predicted that California would have some 50 million residents by the year 2000. If current trends hold true, the figure will fall far short of that mark, both because of a change in family patterns and because Easterners are no longer singing "California, Here I Come."

Education



Despite the turmoil on California campuses with the last generation of students, the state's institutions of higher learning remain one of California's most important assets. These colleges and universities, both public and private, are recognized as among the best in the nation and they bring the state rewards in terms of business, employment, cultural enrichment, elevation of educational standards, research capacity and experimentation. California became a

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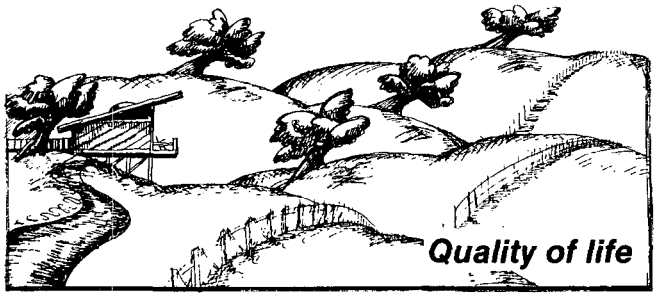
leader in the electronics and aerospace industries primarily because it had a pool of talent in these fields at the major universities. The rapidly expanding community-college system allows any Californian, regardless of grades in high school, to continue his or her education and prepare for a career. In sum, California's public system of higher education probably cannot be matched anywhere in the country.

The same cannot be said for the public schools, kindergarten through high school. In recent years, there has been a general disillusionment with the quality of education being given to the state's youngsters. San Francisco spends more per student than any other major system in the state, yet it rates among the lowest in reading and mathematics achievement scores. Governor Brown has indicated a reluctance to pour more money into the same tired system and would prefer to gamble funds on innovative programs with a chance of producing better results. In many cities, teachers complain that they have to spend so much time coping with disciplinary problems that they cannot concentrate on education. State Superintendent Wilson Riles has concentrated his efforts on improvement of so-called early childhood education and is now trying to upgrade the secondary-school system. For many years, there has been general agreement among teachers, educators and political leaders that the current system is not working well in most school districts, but there are no panaceas in sight and relatively little hope for rapid improvement. In case it is any comfort, this problem is not limited to California, and citizens in most other urban states also complain that they are spending more and more tax dollars for less and less quality in education.



Aside from the climate, there are many reasons why California is such a good place to live. California is still to some extent the land of opportunity. Californians are willing to accept new ideas, to try new products, to experiment with almost anything. That's why it has long been said that if you want to see the future, look at what's happening in California.

California is still an informal, friendly state. It is diverse enough to provide an environment in which almost anyone can feel comfortable. The homosexual community has become part of the power structure in San Francisco. Los Angeles has a Black mayor. Oddballs of every sort congregate in campus communities like Berkeley. Almost every type of housing is available: expensive apartments, plush desert retirement homes, tract homes, communes. Because California is the produce capital of the country, fresh food is plentiful and reasonably priced (compared to the East). Crime is a major problem, as it is in every urbanized state, but at least California has a tradition of honest and efficient law enforcement.

There is a wide variety of recreational and entertainment resources, including plenty of untouched wilderness, an excellent state park system, beaches, ski areas, spectator sports of all sorts, rock concerts, symphonies, operas, ballets, art museums, theaters, interesting historical places to visit, ad infinitum. California has strict consumer protection laws and adequate health services (in fact, in some areas there is an oversupply of hospital beds).

The Kaiser Foundation Health Plan, which provides health care on a membership basis, started in California and is now spreading eastward. It provides Californians with an alternative to the standard fee-for-service system, as do other smaller group plans. Overall, it is hard to generalize about the quality of life because California is so large and conditions vary so much from region to region and from community to community. But it is this diversity that makes almost everything available to anyone.

Syndicated columnist Joseph Kraft arrived in California last year asking the question, "Is it possible to be a bad governor of California?" He concluded that, based on a national standard, it probably isn't because conditions here are so good. Relatively speaking, California government is in decent financial shape. Politicians are relatively honest. There are few major crises.

Government in California is expensive. That's one of the reasons the state rated so low in the Fantus study. But Californians get quite a bit for their money and they have the power through the ballot box to curtail spending through the rejection of bond proposals and, in some cases, through refusal to raise taxes. At all levels of government, California has a strong civil-service system with few people getting jobs as rewards for political service. The state's city managers, police chiefs and other key administrators have long been rated among the best in the country. And while it is easy to take potshots at the state Legislature, it too ranks among the best by any reasonable test.

There are some legitimate criticisms of California government, that it is too far removed from the people, for example. Supervisors in Los Angeles County represent more than a million people. Each member of the lower house of the state Legislature has 250,000 constituents. And in most cases, officeholders do not have the tools of an Eastern-type machine to keep tabs on and in touch with the electorate. Machines can thwart the democratic process and clean government, but they also bring citizens into the political process and make them feel as though they have a piece of the action. California politicians attempt to make themselves available to the citizenry, but there is a feeling of frustration in some sections of the state, especially in Los Angeles County.

California has a two-party system in the sense that candidates of either party can win a statewide election. But the tradition of independence and individual responsibility, started by Hiram Johnson and the Progressives, is even stronger. Through the initiative, referendum and recall processes, California took the lead in giving its voters the ultimate right to decide vital issues and to oust elected officials before the expiration of their terms. In most cases, candidates in California must win on their own merits and not just because they have the right party labels after their names. Californians have made it clear that they want to retain non-partisan local elections.

There are those who claim that the state would be better off with a party-responsibility system in which there were

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clear-cut differences between party positions on each issue. Voters would then theoretically make choices based on issues rather than on the appeal of local candidates. One of the major problems in the political process is the emphasis on imagery rather than substance during campaigns.

Transportation

If there is one major blight on California, it is the fact that the largest metropolitan area in the state, Los Angeles, has a pitiful mass transportation system. Mayor Tom Bradley gave mass transit the highest priority in his campaign four years ago, but he had accomplished virtually nothing in this field at the time of his reelection last month. It simply is not economically feasible to build a fixed rail system for the Los Angeles region. The alternative attempted by the state Department of Transportation — special freeway lanes reserved for buses and car pools — ran into a storm of protest and was halted by a federal judge. Diamond Lanes will be back, but will they stick any better next time? Californians, especially in the south, like the comfort of their personal automobiles, and they are not about to have their auto-oriented lifestyles changed without a fight.

Mass transit efforts have been accepted more readily in the north, where public transportation has been used extensively by residents of San Francisco and the Oakland-Berkeley area for many years. But, despite the construction of the Bay Area Rapid Transit system, the automobile is still the prime mode of travel in the north.

Although some communities protest that there are vital links missing in the state's freeway system, the motorist in California is pampered. Except for rush hours in the major cities, it is possible to get from point to point rapidly and conveniently. In fact, California has built so many freeways that, from the air, some areas look more like huge autoramas than cities.

California does not get high ratings for train service between cities, which might as well be nonexistent for the effect the rails have on traffic patterns. Adequate long-distance bus service is available, but most of the business goes to the airlines — and for a good reason. California has some of the least expensive air trips in the country. In the East, a traveler would pay almost double the cost of a San Francisco-Los Angeles trip to fly the same distance. This is because California has PSA, Air California and small intra-state airlines that are not subject to the national rate structure. They provide heavy-volume commuter service, and the inter-state airlines have been forced to match them in price. The San Francisco-Los Angeles corridor is the busiest in the nation, and there have been relatively few accidents even though airline pilots rate the Los Angeles International Airport as one of the most dangerous in the country.

Communications

Aside from the *Los Angeles Times*, California newspapers have a terrible reputation in New York and Washington, the communications centers of the nation. Actually, California newspapers have been improving gradually over the years, and there are now quite a few large and medium-sized papers that are far above average on a national scale. Among them are the *Riverside Press Enterprise*, the *San Francisco Examiner*, the *Santa Barbara News-Press* and the *Sacramento Bee*. (See "The New Generation of Newspapers," *CJ* April 1977.)

California radio and television stations are probably not much different than those in other large states. If you travel the country, you discover, for example, that the all-news CBS radio station in Boston sounds almost identical to the ones in Los Angeles and San Francisco. When you've heard one rock or sweet music station, you've heard them all.

Television stations in California, perhaps more than elsewhere, have abandoned serious coverage of politics and government as too dull. In statewide campaigns, this places a greater emphasis on the advertising message via TV, by far the most important link between candidate and voter. The product: plastic candidates packaged in 30-second segments between commercials by Joe Namath and Farrah Fawcett-Majors. Public television in California has been trying to pick up the slack, and "Newsroom" on KQED in San Francisco offers the thinking family an alternative to so-called action news and happy talk.

The ultimate test

California's deficiencies are usually out in the open for all the world to see, whether they be in mass transit, public education or employment. Ours is an open society where problems rarely spring up overnight. It seems strange that the state should be cast under such a dark cloud from the East when nothing has really changed here for several years. The Fantus report is based on statistics that are three years old. California's stringent anti-pollution laws, which blocked the Dow plant, are even older. Has the "era-of-limits" philosophy of Jerry Brown caught the fancy of jealous Easterners? Is there secret elation that California has been afflicted with drought? Do the Easterners think they can eradicate the image of California the Paradise by decrying the state's business climate?

There is no doubt that business leaders inside and outside the state rate the Brown Administration as anti-business and associate the Governor with the dreaded no-growth movement. Brown's recent "California Means Business" campaign probably has done little to change that opinion. But California has been on an environmental kick for quite a few years, mostly during the Reagan years. If California was a good place to live before Brown became governor, it still is today. Nothing much has changed.

As Joseph Kraft pointed out from Sacramento a year ago, "Most Californians came here to get away from a harsher life in the East. Whatever the difficulties here, they like the lifestyle, the relatively good job opportunities and the sun and surf." Given a choice, most of us who live in San Diego, Los Angeles, Fresno, San Francisco and Sacramento would not trade places with our fellow Americans in New York, Washington, Philadelphia and Chicago. And that's probably the best test of the quality of life in California today.

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Caucus

by HüGo

WE'VE GOT TO HELP CALIFORNIA CONSERVE WATER.
I'VE PUT THE BRICK IN THE TOILET!
I'VE RESTRICTED OUR WATER CONSUMPTION.
I'VE SAVED OUR RINSE WATER.
BUT I'VE GOT TO DRAW THE LINE AT TAKING A SHOWER...
...WITH A BEAR!
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IN THE EYE OF THE FANTUS-DOW STORM

A barometer reading of California's business climate

By Laura Renson Mitchell

"We have seen that California ranks last among the Western states in those aspects of the legislative climate of interest to relocating industry. What I haven't told you is that, among the 48 mainland states, California ranks 47th." — from remarks by Maurice Fulton, president of the Fantus Company, before the statewide Legislative Tax Forum of the California Chamber of Commerce, March 18, 1975.

The Fantus Company, a plant-location consulting firm, released its negative report on the California business climate at the beginning of 1975, a recessionary year when the state's unemployment rate ran at an annual average of 9.9 percent. The study was based on conditions in 1974, when Ronald Reagan was governor.

In the ensuing months, the strength of the state's economy was frequently called into question. Environmentalists and the state Legislature were often cast as the villains in a scenario that would produce even greater unemployment problems in the future. Now that the state and the nation have had some time to recover from the recession, the questions are still being asked:

Is California really a bad place in which to do business? Is it anti-growth? Is the state's economy in trouble?

When the pieces of the puzzle are assembled, they add up to this: Things are much better than the doomsayers would have us believe, but they're not as good as they could be. The effects of the California drought complicate attempts to examine the basic state of the economy. But disregarding, for the moment, the threat posed by the water shortage, it is possible to see where the economy stands.

The pattern that shows through all the numbers compiled by bank, government and university economists is that California's income and production levels are healthy and growing. In fact, when expressed on a per-person basis, California's income and output levels exceed the comparable national figures. In the areas of inflation and unemployment, California doesn't fare quite so well. Both problems — especially unemployment — have been greater in California than in the country as a whole. But even here, the state has improved significantly since 1975.

Still attracting business

Despite all the recent criticism of the business climate, "we still seem to be attracting a lot of business to California," according to Pauline Sweezey, the state Finance Department's chief economist. Sweezey said she doesn't yet have solid figures to back up her contention. But figures do confirm the fact that the California economy looks strong.

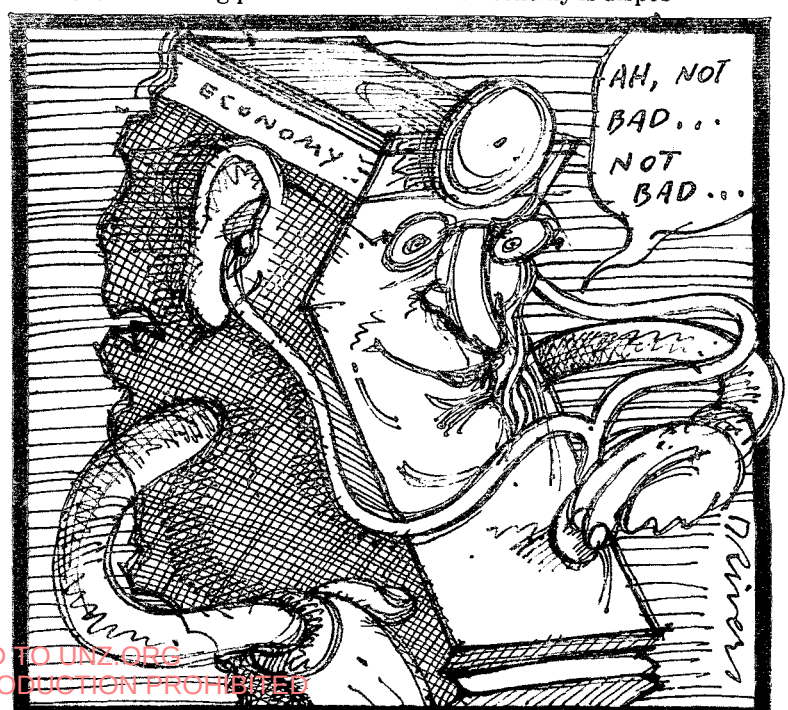
In December, UCLA reported growth of 6.5 percent in California's 1976 real gross state product (GSP) — the value of all goods and services produced in the state during the year expressed in dollars of constant value. This compares favorably with the growth in real gross national product (GNP), which UCLA estimated at 6.2 percent. Though the pace for both was expected to slow somewhat, UCLA's forecast for 1977 was that state productivity would again outstrip real GNP.

In personal income, too, California has been doing well — $154 billion in 1976, up about $14.7 billion from 1975. Forecasts for 1977 average about $171 billion. While California has about 10 percent of the country's population, it accounts for more than 11 percent of the nation's personal income. California led all other states in total personal income in 1975. And according to United California Bank (UCB) and UCLA, California's personal income level will grow faster than the nation's in 1977.

Household income up

UCB also has reported that half of all California families had household incomes of $16,825 or more in 1976. In 1977, this median income level was expected to reach $18,220. These figures represent real growth over previous years, not just increases caused by inflation. However, some of the growth is the result of increases in the number of working wives and working teenagers, economists say. So the incomes of individual workers may not be rising as rapidly as family incomes.

Another strong point in the California economy is dispos-



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able income — the income left after deducting personal income taxes and other levies. According to Security Pacific Bank, disposable income per person in California was $6,172 for 1976 and is expected to reach $6,714 in 1977. Discounting the effects of inflation, that means an increase of 2 percent in 1976 and 2.8 percent in 1977. (UCLA's forecast calls for an even better level of growth.) Conrad Jamison, vice president and economist for Security Pacific, noted that real disposable income per person reached a new all-time high in 1976 after falling in 1975. He expects 1977 to be another record year. Real disposable income on a per capita basis has been consistently higher in California than in the nation as a whole.

Retail trade activity is expected to grow by a nominal rate (not adjusted for inflation) of 12 to 13 percent in 1977. According to UCB, that represents some slowing from the 1976 pace. However, UCB pegged the national growth rate at only 10.1 percent. Residential construction, which picked up substantially in 1976, will continue strong in 1977, the forecasts show. About 240,000 new housing starts can be expected according to both UCB and the state Finance Department.

Inflation has been a significant problem here as well as for the rest of the country. In 1975, the state's annual increase on the Consumer Price Index was 10.1 percent — almost a full percentage point higher than the comparable figure for the nation. Although UCLA and UCB showed California continuing to suffer from a slightly worse inflation rate than the U.S. in 1976 and 1977, the level has dropped considerably. The average estimate of the experts for 1976 was about 6 percent, with forecasts for 1977 averaging 5.8 percent.

Perhaps the toughest problem facing the state's economy has been the high unemployment rate — a rate significantly higher than the nation's until recently. The latest revisions of labor statistics indicate the problem isn't as bad as had been thought, but the overall 1976 unemployment rate for California was still 9.2 percent. The seasonally adjusted rate for January was down to 8.5 percent and the February figure fell to 7.8 percent. It rose to 8 percent in March, and that translates into 836,000 people out of work.

No growth, no jobs

Security Pacific's Jamison believes that if a no-growth philosophy is allowed to prevail, the state's unemployment rate could exceed 17 percent by the end of 1981. That would mean a staggering increase of one million jobless people

Putting a price on pollution

Environmental regulations have been the source of much of the current dispute about the California business climate. Many of the regulations are unclear and subject to a variety of interpretations by different officials. Preparing detailed reports on potential environmental impacts from a plant that has not yet been authorized and whose final design may not yet have been completed can be very difficult — and expensive.

Given the influence of current environmental programs on the economy, it may be time to look for another way of controlling pollution.

One such idea is to put a price — a tax, so to speak — on pollution. The concept is based on the principle that governs virtually all economic actions — self-interest. Economists recognize that firms pollute not because they like a dirty environment, but because pollution represents a free way to dispose of waste. Put a price on pollution — make pollution expensive — and you simultaneously make less-polluting techniques more attractive to business. As long as a firm could reduce its pollution for less than it would have to pay in pollution charges, it would have an incentive to clean up its operation — an incentive missing under a system of direct regulation.

Eliminate permits?

Perhaps the biggest advantage of pollution pricing is that it would minimize the need for environmental impact studies and the permit tangles involved with such studies. Instead of trying to convince authorities that its pollution level would meet some standard, the firm would evaluate its probable pollution level as part of its own cost estimates. The firm would know that the greater the pollution — actual, not estimated — the more expensive a given plant would be to operate.

A classic example of pollution pricing has existed in Germany's Ruhr River valley for many years. The Ruhr is a crowded, highly industrialized region whose main products include coal, iron, steel and chemicals. Yet, the system has operated to keep the river clean enough for fish and people to swim in. The Ruhr case illustrates a user-charge approach through which firms pay authorities the costs of cleaning up the waste they dump in the river. According to Daniel R. Blake, who teaches environmental economics at the California State University at Northridge, such an approach works only with water pollution.

For air pollution, a slight variation of the system could be employed. The air can best be cleaned by reducing the amounts of harmful material being put into it in the first place, Blake said. But here again, the price system can be used. Instead of reflecting cleanup costs, pollution charges in this case would be based on the actual damage done to the environment by various types and amounts of pollution. Once more, self-interest would encourage firms to keep their plants as clean as possible. Under such a system, Blake said, "We could achieve the same level of environmental protection we're achieving now at much less cost."

A pollution price system for environmental protection is worth further examination, according to John A. Kyser, vice president and regional economist for United California Bank. But, Kyser warned, such a system would have to be applied nationwide. Otherwise, the states that didn't charge for pollution would tend to attract business from those that did. (Similar problems may already exist with current environmental programs.)

Uniform system best

Conrad Jamison, vice president and economist for Security Pacific Bank, agreed that a uniform, nationwide application of the system would be best. He added that a pollution price system would be easy for business to understand and could be worked into cost calculations. Thus, for businessmen, it would make dealing with environmental regulation a more rational process.

"Any system that controls the environment should be applied uniformly," Blake said. But as long as other states maintain environmental standards of some kind, even if not based on the same system as California's, it shouldn't hurt this state to convert from direct regulation to a pollution-pricing system, he added.

Pollution pricing doesn't hold all the answers to the environment-versus-the-economy conflict. And, as Kyser pointed out, such a system may encounter political stumbling blocks. But the experts seem to agree that the idea deserves a serious look. L.R.M.

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over the 1973 level. The labor force itself is growing by an average of more than 200,000 a year, he explained, primarily because the children of the 1950s baby boom and a great number of working-age women are entering the job market. California needs at least 180,000 new jobs each year just to keep the 1976 unemployment rate from going higher. To reduce the rate to 6 percent by 1981, total employment must grow by at least 250,000 jobs a year.

Jamison emphasizes that he is not predicting 17-percent-plus unemployment. He hopes that decision-makers will weigh economic as well as environmental concerns and, therefore, head off development of pervasive anti-growth policies. But he wants to make it clear that no growth means no new jobs — and that means massive social problems.

"Can you imagine the unrest that there would be in the minority communities?" he queried. "Because, after all, if you get a situation like this, who's going to pay the most? The three groups that are trying to break into a labor force, which under these conditions would be closed." Those groups were identified by Jamison as minorities, young people and women.

Jamison and other economists point to California's basic industries for solving the unemployment crunch. (Basic industries are those that result in secondary jobs. Agriculture, tourism and manufacturing are typical basic industries.) To illustrate, the cultivation of cotton means jobs not only for farm workers, but also for those who manufacture and service farm equipment, for those who process the cotton into textiles, for those who make the textiles into clothing and for those who sell the clothing.

According to a 1976 UCB report on California's leading industries, only three "goods-producing" basic industries were among the top 10 in employment in 1975. Construction was fifth, agriculture sixth and electrical equipment manufacturing eighth. Of these three, California had an above-average share of U.S. employment only in the last.

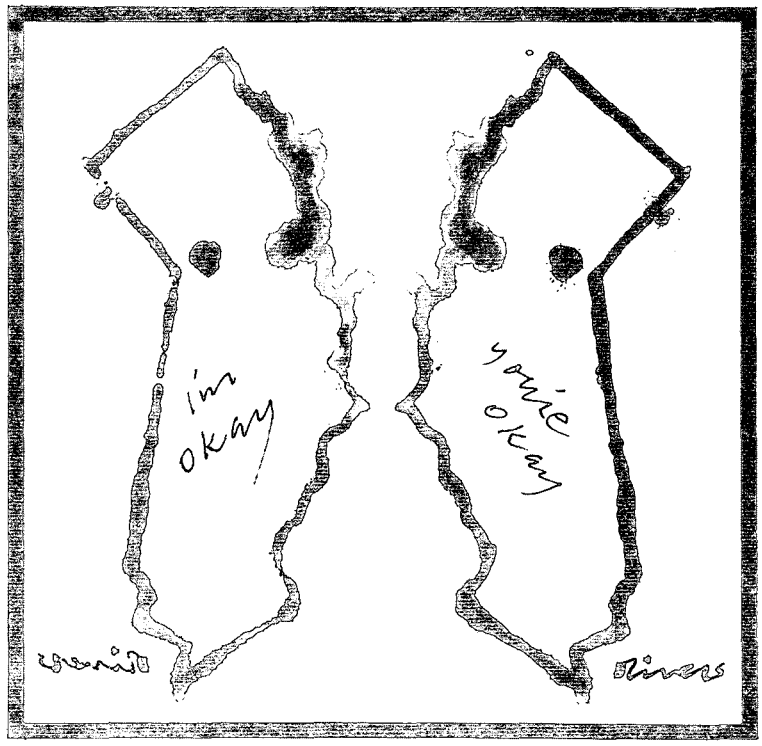
California's industrial base is diversified, a factor that cushioned the impact of the 1974-75 recession here. Nevertheless, California lost more than 100,000 manufacturing jobs in that period. Though the state recovered partially in 1976, picking up 61,000 of those jobs, according to the state Finance Department, manufacturing employment remained below its 1974 level. However, forecasts have predicted that a new high in manufacturing employment will be reached in 1977.

Business climate a worry

The need for jobs is what has so many people worried about the business climate. The "business climate" is a somewhat elusive concept. It is part reality and part image — and both parts can have a profound effect on an area's economic health. Several analyses of the California business climate have been prepared and the results have sometimes been at odds, sometimes because the studies don't examine the same things.

For example, the Fantus Company, a Dun and Bradstreet subsidiary, found that California's tax and legislative climate for business in 1974 was the worst in the West and 47th of the 48 contiguous states. In "characteristics of the population," California ranked fifth of the seven Western states (Arizona, California, Idaho, Nevada, Oregon, Utah and Washington). In "facilities for living," it tied for fourth place. On the other hand, the 1976 Economic Report of the Governor, which rated market, social, land and tax factors of the business climate for all 50 states, tells a different story. Although the report itself draws no conclusions, California winds up in a strong position when all the factors are given equal weight.

Many business people have been quick to turn to the Fantus report to support their contention that California should enact more pro-business (or at least less of what they consider



anti-business) legislation and tax laws. Economists, however, have criticized the methodology of the Fantus study. John A. Kyser, vice president and regional economist for UCB, called it "a cheap shot," although he had some criticisms of his own about the state's business climate. Among the factors UCB judges to be retarding growth are some unfavorable tax policies, including the tax levied on business inventories; strict environmental restraints, which require much time and money for environmental impact reports and which often result in lawsuits brought by environmental groups; and uncertain energy supplies.

Some positive factors

UCB has also recognized some positive factors of the California business climate that were underemphasized or ignored in the Fantus report. These include the size and quality of markets, the diversity of business in the state and the development of the infrastructure, including services provided with tax dollars, such as the highway system.

The permit process in the state has come in for heavy criticism in the wake of Dow Chemical Company's decision to abandon efforts to build a multimillion-dollar petrochemical complex. "We have created a nightmare with the permit process," Bank of America's vice president and economist Gene Conatser told the Assembly Permanent Subcommittee on Employment and Economic Development in October. "The problem is having some certainty as to what the rules are and will be. Right now, you get a permit, or you take a couple of years and you think you've got a permit, and then you find you really haven't; you've got another two years. And then you go to court for another three or four years, so that unless you are very persistent to invest in California with a significant project, you give up."

Although certain legislative actions, taxes and problems with the permit process may make businessmen more cautious about investing here, a decision to build or expand in another state rather than in California may be influenced just as much by special cost advantages of the other state. For example, many of the states rated highest in the Fantus

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report (primarily Texas and the Southern states) had more land area per person than California and were in a region with good supplies of energy resources. If those states can keep land and energy costs down relative to other areas, they will enjoy a big advantage in attracting business, assuming all other factors are equal. The Fantus report also gave the South high marks for having a fairly low level of unionization. "But you have to look and see what is happening in the South," said UCB's Kyser. "And the unions are all making a very concerted push to unionize."

The fact that some studies of the business climate say good things and some say bad things about California can mask the real problem. "Whatever the truth may be — whatever the truth may be about Dow Chemical, whatever the truth may be about the Fantus report — the facts are that the Dow Chemical thing is seen by the rest of the country and the Fantus report is seen by the rest of the country as an indication that California is almost an intolerable place in which to locate a business or an industrial plant," said Jamison.

"I think the only answer at this point is to take positive, substantive action — something really significant — maybe a series of things — to demonstrate in a very concrete way that California does want growth; it does want desirable industry; it's willing to cut the red tape and willing to do things to get good industry here." Such actions would include streamlining the permit process and abolishing the inventory tax, and bills to do just that are being considered by the Legislature.

Strict environmental policies

The state's comparatively strict environmental policies have been viewed by some as evidence that California is anti-growth and anti-business. Finance department's Sweezey doesn't agree. Rather, she says, the state tries to balance environmental and economic considerations. That sounds like just what business has been asking for. (No one seems to completely oppose the concept of environmental regulation these days.) But, according to business spokesmen, economic considerations have been given little, if any, weight in government policy-making.

Economists see a need for clean, balanced growth in California. They don't believe that economic development must automatically bring environmental disaster. "The jobs that we have available in the state often-times tend to be clean jobs, whether people look at them that way or not," said UCB's Kyser. "You figure our largest manufacturing industry is electronics, and basically that's a clean manufacturing process."

But if economic growth doesn't automatically bring environmental destruction, it's equally true that environmental protection doesn't automatically spell economic disaster. In fact, Kyser thinks there are some aspects of environmental concern that haven't received enough attention. "We have to get more active in recycling and conserving what we have," he said. "It's just a throw-away economy."

As for the effect of environmental regulations on California's business climate, Kyser added, "We're sort of in the vanguard. What they (businessmen) find happening here, in five years is going to happen in other states. And a lot of times, it will help them. They may find that they can get a cheaper supply and a more dependable supply by recycling instead of having to depend on mining, which certainly is going to get more expensive, or overseas sources, which tend to be a little bit unstable." The state has many good growth industries that are non-polluting, some of which, such as tourism, don't get much encouragement, he added.

Demon drought

It is impossible to say with precision where the economy is headed, especially this year because the drought may play havoc with the numbers projected by the forecasters. (See *CJ*, April 1977.) But California won't be alone in feeling the effects of the drought. The state exports many products to other states and other countries. Thus, some of the higher prices on California goods will be paid by non-Californians. And, if good supplies are available from other states or countries, price increases here might be less severe.

The economy is a delicately balanced mechanism: You can't change one thing without at least subtly changing something else. It is a world of tradeoffs in which no action is ever without a cost of some kind. In making a theoretical analysis, you can act as if certain things won't change. But, in the real world, anything — or everything — can change. So there are no absolute answers when it comes to the economy. There are only estimates.

And the best estimates for California indicate that, although there are some problems that require attention to keep them from getting out of hand, the economy is basically in good shape.

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'SECOND-HAND ROSE'

Chief Justice Bird -- elevating the law of the masses

Photos by Dennis Warren

By Ed Salzman

The new chief justice of the state Supreme Court usually brings a brown-bag lunch to work; otherwise, she eats in the plebeian surroundings of the federal building cafeteria in San Francisco. The court's limousine has been put into mothballs; Rose Elizabeth Bird fights the battle of the Bayshore every day just like other commuters traveling between Palo Alto and San Francisco. The head of the California judicial system wears the garb of middle-class America, the pants suit, to work every day.

And then there's the tale of the robe she wears for formal court occasions. Normally, judicial robes are custom made to fit the contours of the individual jurist. When Rose Bird needed a robe for her investiture on March 26th in Old Sacramento, she started inquiring about the purchase of a robe. One of her bailiffs, in effect, told her: "Have I got a deal for you!" He knew a dealer in Oakland who just might be able to fix her up in a hurry — and at a good price. Bird called the firm and was told that there just happened to be a robe on the shelf that had been made for someone else but had never been picked up. Of course it would fit her. She bought it sight unseen, saving perhaps $200. It fits perfectly. It now might come to pass that the theme song of the state Supreme Court will be "Second-hand Rose."

While controversy raged over her appointment by Governor Brown, most of the attention was focused on two facts — that she would be the first woman Supreme Court justice in the state, and that she had no prior judicial experience. No one noticed that the state was getting a true populist — a champion of the common people — in the most important non-partisan position in state government.

As secretary of agriculture and services for more than two years, the 40-year-old Bird developed a reputation as a hard-nosed administrator who kept all of her departmental executives on a short leash. She personally could develop policy for her agency and she could put programs into motion. She could also be extremely influential with her only boss, Jerry Brown. She knows better than anyone that she cannot bring about changes in the California courts by the same means. The judicial branch of government does not change easily. Every judge is the ruler of his or her own courtroom, and the woman at the top must use persuasion instead of direction to bring about adoption of her populist notions.

Reform oriented

The new chief justice wants to bring about reforms in the judicial system, primarily to make it more responsive to the problems of ordinary people. But she knows she must move cautiously because she must employ the tools of leadership, example and persuasion if she hopes to get anything accomplished. She realizes that her appointment was significant for women seeking equality of opportunity in California (although she didn't realize it at the time of her nomination). Yet, she will not make a public statement favoring the acceptance of pants suits by female attorneys practicing in all courtrooms in California. The reason: there is a possibility that some judge might cite a female lawyer for contempt, and the case might be appealed to the Supreme Court.

This doesn't mean that Bird will not be making changes. There are some reforms she can bring about through the

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exclusive power of her office. One of them is the assignment of judges to fill temporary vacancies. In the past, retired judges have usually filled these slots. Bird has started a practice of moving judges up one notch, from municipal to superior, for example, in an effort to reduce segmentation of the court system and give judges a more rounded perspective of the entire process. She broke tradition by assigning a trial judge, Superior Judge Homer Thompson of Santa Clara County, to fill a temporary vacancy on the state Supreme Court. Bird selected Thompson because he is the dean of the trial judges college and because she wants to give recognition to the work of the trial judges. In the past, these vacancies have been filled by retired appellate justices. In May, the state Judicial Council will start looking into crowded calendars, judges' workload and trial-delay problems, which have been blamed for hindering the administration of justice in the state.

It is not by accident that the only three underlined words in her investiture speech were "people," "all" (the people) and "least" (direct contact with the people). She pointed out that traditional community institutions of social unity, such as the church and the family, are breaking down. Disputes that formerly were resolved outside of government are now being brought to the courts, which are expected to have the answers. As a result, the courts are crowded with problems of the common people — small-claims actions, divorces, criminal and juvenile matters. Yet, she emphasized, "prestige and priority are placed upon those calendars and courts with the least direct contact with the people and their problems." She feels the courts have lost touch with the people and thus are not perceived as being fair.

People and the system

"People feel as though the system doesn't listen to them, as though it processes them," she explained. "In order for the system to be fair, people have to perceive it as fair." The solution is to make people feel at ease with the courts by reducing the cold, formal atmosphere that pervades the courtroom. She favors the current experiment with small-claims sessions at night and hopes to see a number of innovative projects started around the state to make courts more responsive to public needs. "But what works in Los Angeles might not work in Eureka," she added, and it may not be possible to apply some successful experiments on a statewide basis.

It is no secret that many judges remain rather aloof, almost as though their appointment to the bench gave them infallibility and made them members of a special class. Perhaps that's what Bird is trying to eliminate when she calls for openness on the part of judges. "It's useful for judges to know what's going on in the community, to know what life is like in the ghetto and in the country club," she emphasized. Her solution is for judges to maintain the same lifestyle after appointment or election as before. "You should be as close as you can to the individual you were before you were elevated," she added.

In her investiture address, Bird declared: "Our courts are beginning to be perceived as just another example of burgeoning bureaucracy — as places of cold rationality, inaccessible and unaffordable to the average citizen." One of the reasons, she pointed out, is that the adversary system has been carried to extremes. "It has been carried so far that you now have armed camps on both sides of the criminal-justice system. We don't have the kind of discussion and interaction that we may need to solve problems." If Bird gets her way, something will be done to make the defenders and prosecutors less suspicious of one another so that the adversary process will apply only in the courtroom. She said she will try to establish a dialogue between the various elements of the criminal-justice system so that community problems can be examined without drawn weapons.

Bird talks a great deal about criminal justice because it was one of her specialties as a lawyer and because she feels that it is one of those people areas of the law that is in relative disrepute among lawyers — especially the corporation attorneys who have traditionally run the State Bar Board of Governors. (Incidentally, she met informally with the Governors shortly after her investiture, and there was absolutely no friction between the chief justice and the minority of members who opposed her appointment. As one participant in the meeting observed, "They now have to practice law before her.").

Appellate advocacy

In addition to criminal law, Bird practiced appellate advocacy for eight years on behalf of the Santa Clara County public defender's office, the state public defenders association and the national legal-aid and defense association. It was in this capacity that she advanced the doctrine of "independent state grounds" in criminal cases. Under that doctrine, the state can give a different interpretation to a provision of the state constitution than the identical provision of the federal constitution because the constitutions serve different purposes. This had previously been viewed as a conservative, states-rights doctrine. But in recent years, it has been extended to criminal law and, in California, has been employed by liberals on the bench, notably Supreme Court Justice Stanley Mosk.

Bird used the doctrine in her *Krivda* search-and-seizure brief to the United States Supreme Court about four years ago. But lawyers should not look at her briefs as a lawyer for clues to her judicial philosophy. "I argued a lot of things as an advocate that I wouldn't buy as a judge," she said. In other words, she will try to be the same person as chief justice that she was as an agency secretary, Stanford law professor and public defender. But her positions on legal points may appear to have changed significantly.

This is a time for a shifting of gears in other respects for the state's highest judicial officer. In the Brown Administration, she was dealing with fellow politicians in a hierarchical organization. She was so tough and opinionated that she offended quite a few people in state government. (Some of her pithy messages cut colleagues to the quick.) Now she must recognize that every judge is independent and that she must practice the art of gentle persuasion. Bird is also in the process of breaking new ground. Aside from being the first woman on the high court, she is also much younger than the usual appointee, and she came out of a poverty-law background rather than out of a large corporation or law enforcement.

For the next two years, she will preside over a Judicial Council selected by her predecessor, retired Chief Justice Donald Wright. She must find a way to get along with the other members of the bench, some of whom apparently were not too pleased with her appointment. (Before her confirmation, she received a congratulatory letter from only one member of the court — ironically, conservative William P. Clark Jr., who himself had been subject to extraordinary scrutiny following his nomination by former Governor Ronald Reagan.) Bird's administrative experience in Sacramento may not be too valuable in the court offices in San Francisco. In the executive branch of government, she reported, "There was a crisis every day. Here there is more time for reflection, a more intellectual atmosphere."

While the job may be different, the person appears the same. Rose Elizebeth Bird still wears ribbons in her hair, long tendrils down the side of her face — and when the occasion calls for it, a second-hand robe.

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THE THIN CEMENT SHIELD

The political aftershocks of Carter's Auburn Dam decision

By HAL RUBIN

The Auburn Dam was to have been a technological marvel among the 20 dams in the grand design of the Bureau of Reclamation's Central Valley Project (CVP). When completed, the graceful structure would be the world's longest double-curvature, thin-arch concrete dam, 700 feet high and 4,150 feet long.

But instead of raising a slender arch across the American River canyon in Placer County, the project has produced a span of seemingly irreconcilable conflicts. Controversy erupted again in February and took on special significance when President Carter dropped a bombshell. He called for re-evaluation of the safety, economic feasibility and environmental impact of 19 major federal water development projects.

Controversies and delays have plagued the Auburn Dam since its inception. When Congress approved the half billion dollar dam project in 1965, the Bureau estimated that it would take about eight years to complete. But for the VietNam War, which caused a slowdown and stretchout, and litigation with environmentalists over the environmental impact statement, the Bureau would have made its deadline.

Now, 12 years and $200 million later, the target date for the completion and filling of the dam is still about eight years off; the latest cost figure is $1.1 billion. And for the first time in its history, the Bureau faces the prospect of having to put the dirt and rock back.

Earthquake safety

Earthquake safety is the primary issue at the Auburn project. Seismologists, geologists and engineers have become increasingly dubious about the wisdom of putting a concrete dam of the design selected in what the Bureau originally believed to be a seismically inactive area. In 1975, the Oroville earthquake which hit 5.7 on the Richter scale disproved that premise. The Seismic Hazards Committee of the Association of American Geologists urged the Bureau to make new studies before proceeding with construction in Auburn.

An Oakland geologist from that organization, Gordon B. Oakeshott, described three earthquake faults and said forces greater than the dam was designed to withstand could occur on any of the three: the Sierra Nevada fault about 60 miles northeast of Auburn; the San Andreas fault about 80 miles southeast of Auburn; and an unknown fault in the Sierra Nevada foothills like the one that produced the Oroville shake. Oakeshott said that the earthquake safety factor of the Auburn Dam was far too low.

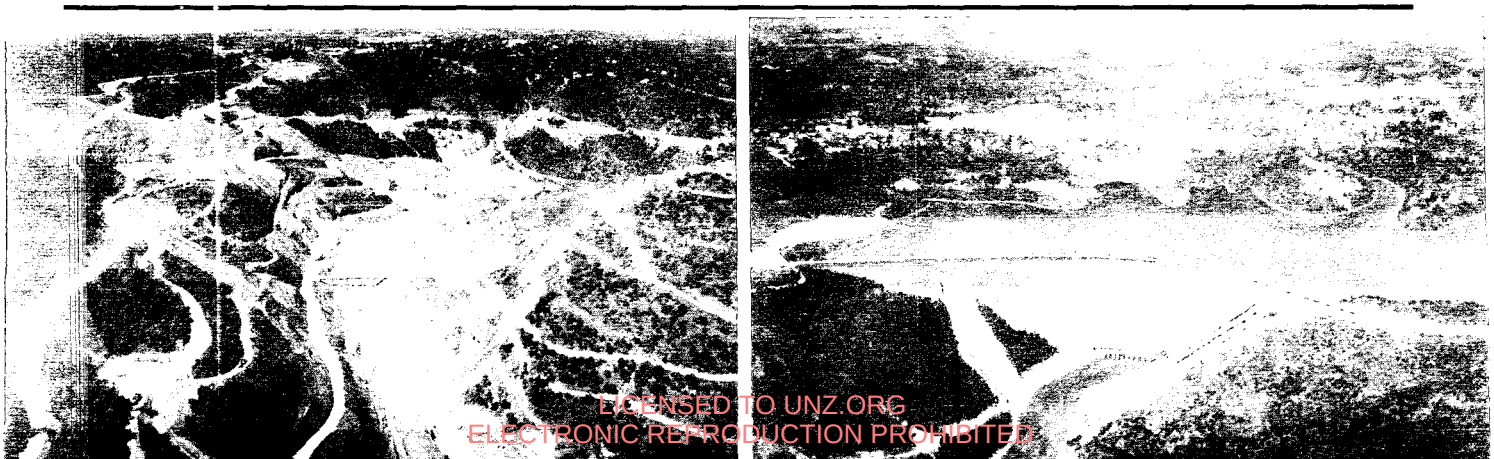
Other professionals also questioned the method of analysis used by the Bureau to arrive at the thin-arch design. They warned that the Bureau's own analysis indicated a single mild quake would crack the slender structure. Two U.S. Geological Survey geologists reported that high dams back up enough water to trigger earthquakes capable of damaging or destroying the dams. Their study indicates a direct relationship between the depth of water in artificial lakes behind high dams and the frequency of earthquakes in the area.

One of the concerned engineers, Harry Cedergren, points out that no other large dam lies so close to a heavily populated urban area. He envisions an unprecedented man-made disaster. Failure of the dam would release 2.3 million acre feet of water, sending a 100-foot-high torrent down the American River, over the nearby Folsom and Nimbus Dams, and into the capital city below.

According to Cedergren's scenario, more than a quarter of a million Sacramento area residents and a half million

The author, a journalism professor at Sacramento State University, has been an Auburn resident for 25 years.

How the Auburn dam site looks today (left) and an artist's conception of the same area following completion of the proposed reservoir on the American river. U.S. Bureau of Reclamation



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others in the valley would be trapped. Spreading out, the flood would cover about 1,000 square miles of the central California lowlands, reaching clear to Antioch in the East Bay. The flood would inundate five major military installations and thousands of acres of farmland. Property damage could reach $50 billion.

Concern about design

Much of the apprehension expressed by the engineering and geology professions was fostered by an unexpected change in the Auburn Dam's design about a decade ago. As authorized in 1965, it was to have been an earth- and rock-filled structure, which engineers like Cedergren believe to be more resistant to seismic damage than the current design. He describes the concrete design as "experimental" because no thin-arch concrete dam that big has ever been built before, and he points out that the 740-foot-high earth- and rock-filled dam at Oroville was not damaged during the 1975 quake.

Bureau of Reclamation officials say the switch to concrete was made for environmental reasons, because seven square miles of land between Auburn and Roseville would have to be stripped to provide the fill. In 1966 they opted for the world's longest thin-arch concrete structure.

Some engineers who specialize in dams are also critical of the Bureau's decision because they believe the concrete design selected is more appropriate for narrow U- or V-shaped canyons, citing as their authority a 1967 report by the American Society of Civil Engineers and the United States Committee on Large Dams. The "canyon" which the Auburn Dam must span is more like a mile-wide valley.

Another expert with serious doubts about the dam's safety is Dr. George C. Rouse, a structural engineer. He was chief of the Bureau's concrete dam design branch and helped plan the Auburn facility. Since retiring about five years ago he has conducted his own studies. Now he reports that the dam cannot withstand maximum credible earthquake conditions for more than two seconds without cracking over one-fourth of its upstream face. He has charged that the Bureau does not have a method for determining the extent of cracking after 35 or 40 seconds of shaking.

Teton Dam collapse

Failure in 1976 of the Teton Dam in Idaho raised further doubts about the Bureau's expertise. California Congressman Leo J. Ryan was chairman of the congressional subcommittee that investigated the catastrophe. During the hearings he commented, ". . . the root of the problem is the momentum to build. Once a decision has been made to build, the force of the decision grows with every further decision concerning construction." He learned that neither the Bureau nor the Corps of Engineers could recall ever abandoning construction once started. Ryan commented, "The Bureau confirmed at every opportunity its disposition to 'engineer' a solution to any and every problem . . . Halting construction is not an option that decision makers in the Bureau or Corps ever consider available." Ryan believes the "momentum to build" is functioning at the Auburn project, and he has urged the Bureau to re-examine the decison to build a high-arch concrete dam instead of an earthen one.

To counter mounting criticism, the Bureau in 1976 hired Woodward-Clyde, a Bay Area consulting firm to conduct studies of the Sierra foothill fault system. A five-man team of experts also was set up to evaluate the Woodward-Clyde findings and to insure that the final design would be in harmony with the consultant's recommendations. That effort is expected to be completed in June. Confident that it had disposed of the earthquake problem, the Bureau predicted it could design a safe concrete dam whatever findings come back from the Woodward-Clyde study.

Congressional reaction to Carter's dam-building policy was predictably anguished. In a major break with the new admininistration, on March 10th the Senate voted 65 to 24 to oppose review of the 19 major water development projects. But Carter persisted. To help him and Interior Secretary Cecil Andrus reach a final decision, he sent a review team to Sacramento on March 21st, where a classic drama was acted out.

(Only a few days before the arrival of the review team, apprehension was heightened when nine scientists from the U.S. Geological Survey reported finding an active earthquake fault about a mile from and heading straight toward the north abutment of the dam.)

More than 50 witnesses were on hand to urge restoration of Auburn Dam funding: two congressmen, seven state legislators, county supervisors, water district and water agency representatives, chambers of commerce, rice growers and business and labor groups. They were from Placer, El Dorado and Sacramento Counties and from throughout the central valley clear to Kern County.

Opponents of the dam included the Sierra Club, The Planning and Conservation League, Environmental Defense Fund, Audubon Society and a number local environmental groups. Dam construction hardhats paraded with placards accusing the Sierra Club of advocating communism, and a member of the Xerces Society showed the review team a case of rare blue butterflies that live in the American River Canyon behind the dam.

Among the prominent Placer and El Dorado County pro-dam figures in attendance at the hearings were Congressman Harold T. "Bizz" Johnson, a Democrat from Roseville; Assemblyman Gene Chappie, a Republican from Cool; and Bill Cassidy of the Auburn Dam Committee. Johnson was mayor of Roseville before serving in the state Senate from 1948 to 1958, and going to Washington in 1959. He helped get the Folsom Dam approved and has been a key supporter of the Auburn Dam Committee.

Chappie is from Cool on the El Dorado County side of the Auburn Dam project. Near Cool is Auburn Lake Trails, a 3,500-acre Transamerica Corporation land development that opened in 1970. A big selling point has been its frontage on one arm of the 25-mile-long lake that would be formed behind the dam. Auburn Lake Trails is selling quarter-acre lots for prices ranging from $6,500 to $11,000. Prior to the dam, land around Cool could be purchased for $100 an acre.

Bill Cassidy, who heads the Auburn Dam Committee, is the former publisher of the *Auburn Journal*. Since 1966, when he sold the paper, he has led the fight for support and continued funding of the dam. Cassidy is also vice president of Placer Savings and Loan, a county-wide institution that owns large parcels of land, the value of which has skyrocketed since the dam was first approved.

Smart, outside money

Smart money also has come to Auburn from the outside. On Interstate 80, where the new bridge that is part of the dam project crosses the canyon, Colonel Sanders, Shakey's, Sambo's, and Denny's have recently been joined by McDonald's. A large shopping center sprouted there recently with Raley's market and numerous other chain-store operations. All of them undoubtedly will transmit their unhappiness to Carter.

Dam proponents have exerted enough clout to make Governor Brown decide that "small is beautiful" does not apply to dams, and that agribusiness and land developers need not "lower their expectations" for additonal supplies of

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Renault-Sacramento Bee

O felix culpa, quae talem ac tantum meruit habere Redemptorem.
O happy fault, which has deserved to have such and so mighty a Redeemer.
St. Augustine

cheap and plentiful water. Senator Alan Cranston too has backpedaled from earlier environmental positions and now supports the Auburn Dam.

The pro-dam contingent handled the seismic safety issue gingerly during the Sacramento hearings. Most of them preferred to talk about the drought, and only a few conditioned their approval on a dam design that would ensure safety. None of them questioned the Bureau's ability to build a safe dam. They contended that if the dam were in now it would have helped alleviate the drought. They stressed such dam benefits as flood control, slowdown in depletion of ground water, reduction of salt water intrusion, increased food production, recreation, pollution-free power and jobs.

Opponents contended that dam failure would cause a worse flood disaster than it was meant to prevent and that Folsom Dam can handle any threat to Sacramento. Environmentalists argued that new approaches are needed rather than more dams. They called for reclamation of waste water, more efficient irrigation techniques, raising of downstream levees, refilling ground water basins in wet years and drawing from them in dry and increasing the height of the Folsom Dam.

They charged that the dam would destroy 48 miles of scenic river and canyon that now draw thousands of recreation seekers from Sacramento and San Francisco. They accused the Bureau of presenting a false cost-benefit ratio by using a 3.13 percent interest rate rather than the 6.39 rate that is used now for federal water projects. Anti-dam spokespersons said that projected power and water revenues would fall short, saddling the taxpayer with $2 billion in deficits over the next 50 years. They claimed that agricultural interests would buy water at $6 to $11 per acre foot that would cost $118 to produce.

After two days of hearings members of the Interior Department review team went back to Washington to relate their findings to Carter and Andrus. They left behind a situation that challenges the Bureau's ability to cope. At the damsite there is considerable confusion about the future. Funding for fiscal '77 ends in September. Phase three, the next phase of construction, is the prime contract for the dam itself. The Bureau had planned to issue specifications in June, open bids in November and award a contract in December.

State's own studies

Carter's rejection of the $39.7 million appropriation left behind by Ford makes the Bureau's timetable unrealistic. Even though the state has no jurisdiction over the safety of federal dams and no legal power over Bureau decisions, Governor Brown and Ronald B. Robie, director of the Department of Water Resources, have informed the Bureau of the state's intention to make its own studies of seismicity and of the dam's design. The studies are expected to take between six months and one year.

State officials have now asked the Bureau to hold off awarding third-phase contracts until its independent studies are completed. Robie told both the review team and Andrus of the state's intention to oppose further construction until seismic safety is certain. Robie believes the Bureau will agree to hold off rather than precipitate a confrontation.

On March 29th, the House and Senate appropriations committees began hearing testimony from opponents and proponents of the dams in question. Not unexpectedly, they then urged Congress to restore funding for most of the federal water projects on the president's endangered list. On April 15th, Carter told them he would restore funding for the Auburn Dam only if both the Bureau and officials in California agreed about seismic safety, but no funding would be provided before the state had completed its studies. If Congress persists, Carter can veto and they can override, and the confrontation will take on new dimensions.

At the least, Auburn Dam construction will be set back about a year. The delay could be longer if Congress decides to honor California's request for independent studies. Whichever course Congress takes, Carter has given notice that the federal dam-building, CVP era, which began in the depression as a make-work project, is ending. The best hydroelectric sites and reclamation sites have already been developed, his administration is saying. Ahead are only diminishing benefits and increasing costs, and only a few will reap financial benefits for which the many will pay. The Auburn Dam may be the benchmark of a new era. No wonder the old California pols who thrive on dams and agribusiness corporations that batten on subsidized water experienced an 8.5 Richter-scale shock in February.

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GAVIOTA TUNNEL, THE MASON-DIXON LINE

The schizophrenic voters of the Santa Barbara area

By JERRY RANKIN

Now they're talking about splitting up Santa Barbara County, which would formally recognize the fact that its independent-minded voters have been divided in their minds and at the polls for years, as well as geographically by the tunnel at Gaviota where U.S. 101 turns inland. In fact, when election day dawns along the placidly beautiful coastline, an attack of schizophrenia seems to sweep in past the offshore oil rigs to settle over the red-tiled rooftops of Santa Barbara, the missile silos at Vandenberg Air Force Base, the tourist shops at Solvang.

Santa Barbara is a county where the mixture of good life and poverty, liberal and conservative, culture and schlock, rural and urban, seems to carry with it a split political personality. Only Marin County — with Monterey perhaps the closest comparable county — claims more voters who refuse to choose a political party. Ticket-splitting in Santa Barbara County is as common as sunshine or tar along the beaches.

Philosophically and geographically, Santa Barbara is really two counties. One is the smaller southern part from the Ventura County line to Gaviota, about 30 miles northwest of Santa Barbara, where about two-thirds of the 283,000 persons live on a narrow coastal shelf backed by occasionally snow-streaked national forest mountains. The northern part includes a lot of onshore oil operations you'll never see unless you meander byways such as Cat Canyon; the small cities of Lompoc and Santa Maria; the rural Santa Ynez Valley with its tourist lure of Solvang; Vandenberg, where the space shuttle will land; and the sparsely inhabited stretches of the east county.

If a north county supervisor-furniture store owner, Harrell Fletcher, and the Santa Maria Chamber of Commerce have their way, the two sections will split and "Los Padres County" will be born. If so, its motto might be "Growth is Good," since this is the prevailing dogma in the Santa Maria area. However, the drive still is in the petition-circulating stages and suffered a setback last year when a report by the county auditor portrayed a county split as a costly affair to taxpayers. And while the gut feeling in both areas might be amenable to a divorce, it isn't likely in the end that the environment-oriented south — with 70 percent of the vote — really would allow the north to take away a sizable part of the tax base or open up a leapfrog urban sprawl.

North versus south

Still, the philosophical differences are clear. Assemblyman Gary Hart's staff reports that his legislative questionnaires show a difference of 15 to 20 percent in answers to questions between the conservative north and more liberal south. Election results also show it. In 1976, the statewide bonds for parks and low-income housing passed south of Gaviota, failed north of it.

In 1975, county voters were asked at a special election that drew nationwide attention whether zoning to allow an Exxon oil processing plant should be retained. More than 80 percent of the northern vote favored it while 60 percent of the south opposed it. The overwhelming northern majority gave the plant its 831-vote victory.

Some of the national press, neglecting to examine the vote by region, told America that "Santa Barbara" had forgotten 1969 and now wanted more oil production, even though almost two-thirds of the city's voters rejected it.

The recent March 8th city election, which also drew national attention, demonstrated anew that while environmental preservation still is dominant in the city, its citizens suffer from a bad case of split-voteitis. On the same day at the same polling places, these voters:

- By a 63 percent majority endorsed the city's current zoning, which will place a rough limit of about 85,000 persons on the population at some unknown future date when all developable private land is developed to its maximum zoned use. However, the vote was just a nonbinding public

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opinion poll and the new council majority can ignore it.

- Elected a city council majority opposed to that very population-control zoning. Three candidates who said flatly the city doesn't have a growth problem won, along with one who said it does.

Big business and construction interests had backed one group of four candidates for the job of mayor and three council seats (there are seven council members including the mayor), while environmentalists backed a rival slate of four who campaigned strongly in favor of the population-control zoning. The business-financed group elected a retired police sergeant who is part Chicano, part Indian; the incumbent mayor, by 34 votes out of 19,992; and a 38-year-old communications consultant who used to be on the school board and whose husband was re-elected to that board the same day. (Voters seem to like husband-wife teams; a holdover environmentalist councilwoman's husband is a municipal judge.)

The environmentalist-backed group's only successful candidate was the most articulate of all 13 candidates; the 31-year-old co-director of the city's pioneer, nationally acclaimed (and money-making) recycling program. He carefully campaigned as a fiscal conservative complete with vest and suit, and billed himself as an environmentalist-businessman.

So the voters who had shocked the old-line political establishment by ousting its council majority for Democratic environmentalists in 1973 swung back four years later and terrified environmentalists by dumping their majority for a business-oriented, Republican majority — even while endorsing the population-limit zoning the business majority opposed.

What does it mean? Clearly, the citizens of Santa Barbara — who pay closer attention to the issues than most other Californians do — refused to connect population growth with individual candidates, and instead just voted for those they liked best. But at the same time, they again showed their desire to "keep Santa Barbara the way it is — we don't want to be another Los Angeles" (sound familiar, San Diegans?). Or as one observer put it, the voters clearly want to preserve Santa Barbara's environment — in a businesslike way.

Environmentalists are worried the new council may revoke the current zoning and return to one that would theoretically allow the city to grow to over 100,000. Its first decisions indicate a determination to sweep environmentalists off city commissions and encourage more growth, although they also talk of a 1.5 percent per year maximum. The new majority, however, also is aware that voters in the city and county have a history of forcing ballot initiatives to reject pro-growth actions by their elected officials. Even now, an initiative is circulating to put a tough rent-control law on the city's November ballot.

Holding down growth

In addition, the lack of jobs and housing has slowed the city's growth to as sudden a halt as occurs when you roar into Santa Barbara on the 101 freeway and encounter those frustrating traffic signals. Growth that averaged 30 percent in the 1940s and 1950s and 25 percent in the 1960s averaged .58 percent the first half of the 1970s. The natural limits imposed by the gorgeous terrain and small amount of developable land also will work to hold down growth, as will the lack of water. Bans since 1973 on hookups of new water lines for businesses and homes in the Goleta Valley on the north and Montecito on the south are recognition that water is the biggest problem of all hereabouts. It is expected a countywide vote will come in November of 1978 on whether to pay the high cost of importing state water project supplies — if there's any left by then. That might well be the single most important vote in county history.

While the environmental movement suffered a setback in the city election, it scored a key gain last year when voters in the conservative Lompoc area replaced their pro-growth supervisor (who retired) with a liberal, little-known sometime college teacher and strong environmentalist, Robert Hedlund. He handily beat an avowedly pro-growth candidate and longtime county planning commissioner, who took care to point out to the voters how much time Hedlund had spent studying instead of doing, and the fact he spent time studying natives in Ethiopia.

Also in 1976, a very liberal Isla Vista veterinarian, Bill Wallace, and David Yager, a moderate, wealthy Montecito attorney, were elected. The three of them now occasionally form a slow-growth majority on the board, which at times rises to 4-1 when Robert Kallman joins them, even though Kallman is still despised by many environmentalists for campaigning as one of them, and then voting to give Exxon the zoning for its oil plant. Had this board been in office in 1975, Exxon would have been denied the zoning without an election.

Election upset

The most spectacular electoral upset of recent years also came in a nonpartisan race in November. At the start of the year, Floyd Dodson epitomized Santa Barbara's bicentennial establishment: At the age of 51, appointed eight years earlier as a Superior Court judge by the much-admired Ronald Reagan, he was presiding judge of that court. It had the second-best record in the state for keeping cases moving and Dodson was widely respected in judicial circles as a master administrator. He comfortably fit the moderate-conservative Republican mold county voters often cotton to.

Yet, Dodson woke up November 9th unceremoniously ejected from office with just one-third of the vote. The rejection seemed to make little sense, especially since his vanquisher, Bruce Dodds, was a totally unknown 38-year-old deputy county counsel and former member of the Democratic Central Committee with few legal qualifications for the job and little experience in a courtroom.

But Dodds had the guts to run a "hopeless" race. His victory was a slap in the face to the county Bar Association, whose members had ridiculed the idea he could win and voted 80 percent to endorse Dodson. Dodds, however, capitalized on Dodson's arrogance, his squabbles with the supervisors and his free hand with the taxpayers' money. (Dodson bought a $62,000 plane, leased it to a private firm, then rented it at $50 an hour at taxpayer expense to fly to Santa Maria for court sessions there.)

Dodson's overwhelming loss sent shocks through the state's courtrooms, but he spent only a few days off the bench — voter rejection apparently carries no weight in the judicial world. Dodson simply retired just before his term ended, even though he can't draw retirement pay until 1988, and promptly was assigned as a visiting retired judge in Ventura County by then-Chief Justice Donald Wright. Wright was the man who had named Dodson to the state Judicial Council and had written a public letter supporting Dodson during the campaign.

Partisan politics are duller than nonpartisan, but just as unpredictable. The county is 52 to 38 percent Democratic, but that means nothing. It favored Republican Houston Flournoy over Jerry Brown in 1974, and Gerry Ford over Jimmy Carter in 1976. The county has a history of voting Republican at the top of the ticket — 10 of the last 15 presidential contests — and then hopscotching down the ballot.

In recent years, the county sent to the Assembly conser-

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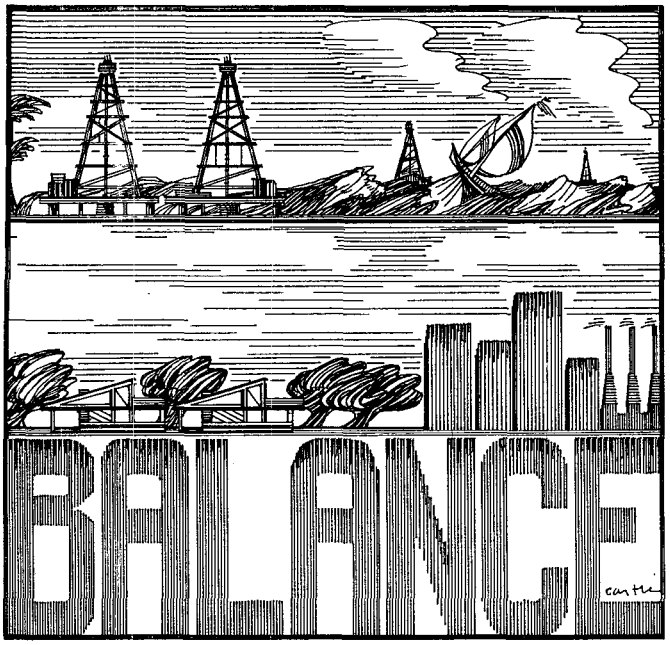

vative Republican Jim Holmes, then liberal Democrat Win Shoemaker, then conservative Republican Don MacGillivray and now liberal Democrat Hart. Hart was elected by 4,000 votes in 1974 on his third try for public office only by a wave of Isla Vista-University of California support and should have been a ripe target for Republicans in 1976. After all, voters in the district solidly favored the death penalty and opposed easing marijuana penalties at the 1972 statewide election, and Hart is known as a foe of capital punishment and supporter of softer penalties for pot use.

But the GOP could only find a two-time loser, a Chicano who opposes affirmative action programs and opposed the coastal protection measure in an environment-oriented district. Even running on just the issue of property taxes, which have gone up faster and harder here than almost anywhere in California and which led the usually courteous residents to boo off the platform a VietNam veteran on Governor Brown's staff sent to explain the administration position, the Republican got less than a third of the vote.

Precincts that went solidly for Ford and Hayakawa and Republican Congressman Robert Lagomarsino deserted the GOP for Hart. Lack of a solid Republican foe helped him, but he now rates as a solid incumbent because of his reputation as a hard worker, careful attention to constituents and holding card-table office hours at shopping centers and public forums on major issues.

Hard-working straight arrow

The county's state senator, Democrat Omer Rains of Ventura, also has a reputation as a hard working straight-arrow type — a competent, skillful, moderate politician with a bright future. Rains is entrenched, but dug in most of all is his predecessor, Lagomarsino, who represents a congressional district held by the Republicans for 30 years despite the Democratic registration. Santa Barbara County holds almost 70 percent of the district voters but Lagomarsino — who lives in Ventura County — is widely known and a lot of voters probably think he lives in Santa Barbara.

A lot of them probably also think he's a Democrat, since he stresses Democratic endorsements at election time and his campaign literature often neglects to note his party. His reputation is that of a nice guy who takes care of his constituents, molds a clearly acceptable moderate-conservative voting record while being tough on the environment, keeps a low profile and just doesn't get into controversy.

Hart and Rains enjoy the pleasant fact that the big political money in the county is liberal, environmental Democratic, not Republican. Three of the biggest spenders in California politics live quiet lives here — businessman John Stephens; Maryanne Mott Meynet, sister of Stewart Mott, who helped bankroll George McGovern; and Kenneth Pray Maytag, one of the appliance fortune heirs, who has spent more than $70,000 just on county elections since 1970. They shy from publicity and speak with their money, which has put liberal causes and candidates on rough fiscal parity with the business-development backed Republicans in recent years.

Just as important as that money, however, is the bloc vote from the University of California-Isla Vista area, reportedly the most densely populated area in the state. About 14,000 voters live in its one square mile of apartments, a few houses and dormitories. It votes as a bloc and does elect public officials, giving a strongly liberal flavor to south county elections and the Goleta Valley, where about 70,000 persons live in an unincorporated area, one of the largest concentrations in the state without a city.

The Isla Vista vote also is fickle — only 11 percent voted in the March school board election despite campaigning by a young liberal who spent a lot of time and money wooing that vote. That candidate lost, even though he was the beneficiary of the latest element in county politics — the Tom and Jane influence. Tom Hayden and Jane Fonda have spent a lot of time in Santa Barbara the past two years. He carried it over John Tunney in the June Democratic U.S. Senate primary, one of only four counties Hayden carried.

Hayden helped choose Santa Barbara as the site for the recent Conference on Economic Democracy. It is the anti-big business movement Hayden is encouraging to help maintain his power base, set up a statewide network of community activists, help elect sympathetic local candidates and somehow give people more power over their jobs and the corporate world.

Hayden, using Fonda's money, is buying a 120-acre ranch about 10 miles northeast of Santa Barbara for "about half a million dollars." He will use it for a training center for his new movement, an environmental preservation experiment station and possibly a center for advocacy of children's rights. He will maintain his Los Angeles home and power base but spend perhaps two days a week at the ranch. If he and Fonda are so inclined, they can seek to socialize with one of their fellow newcomer ranch owners — Ronald Reagan. Reagan owns a 600-plus acre ranch astride the mountain range north of Santa Barbara, Rancho del Cielo. It was intended as a retreat from the rigors of the everyday world of being chief spokesman for the American Right and as a place to escape the grim urban realities. Unfortunately, the bodies of two murdered young Isla Vista women recently were found not far from his ranch, and sheriff's deputies fear a third is nearby, victims of a slayer who preys on hitchhikers.

Reagan ranch

Although Reagan put up the money for the ranch, it is owned by a trust of wealthy friends and his name doesn't appear on the tax rolls. He does, however, receive a tax break of more than $11,000 a year because his property qualifies as an agricultural preserve — although the only crop that ground could nourish is his presidential ambitions.

Local residents virtually never see the Reagans, but they do venture out for an occasional meal. This reporter recently enjoyed dinner at the renowned Ballard Store Restaurant at a quiet country crossroads in the Santa Ynez Valley, and by chance ordered a bottle of Chardonnay produced by a little 80-year-old woman winemaker at the nearby hamlet of Los Alamos. The hostess proudly announced: "That's Ronald Reagan's favorite!" Ronald Reagan has good taste in wine.

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SDS and other roots of the new Hayden movement

By Dan Blackburn

At night, the fog rolled in bringing with it a damp chill that wrapped itself around the Santa Barbara City College campus but never seemed to penetrate the walls within which the California Conference on Alternative Public Policy was meeting. Each morning, the sun burned the fog away and seemed to offer the promise of still another new beginning which those taking part in the conference appeared to be seeking. If those who were there are correct, the late February conference will become a landmark in American political and economic history. If they are wrong, it will have been one more milestone on a road of frustration that has already had detours into cynicism and self-destructive violence.

Many of those who spent the Washington birthday weekend in Santa Barbara saw the meeting as an outgrowth of Tom Hayden's unsuccessful 1976 U.S. Senate campaign. When he launched his campaign, Hayden committed himself to establishing an ongoing movement which eventually would be able to elect candidates for many offices. The conference could be interpreted as the stem of what may become a major political movement, but it missed being the root.

The genesis of the Santa Barbara conference took place almost 15 years earlier at a $250,000 FDR Camp which belonged to the United Auto Workers. The camp was at Port Huron, Michigan, and nearly 60 people were there. From that meeting in June 1962, came the Port Huron statement which was to become the platform of the Students for a Democratic Society (SDS) — the best known and most controversial student activist organization of the sixties. It was no coincidence that key organizers of the Santa Barbara conference came from the ranks of the SDS.

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Of course, Tom Hayden was the moving force behind the meeting in Santa Barbara. The same may be said about the Port Huron meeting, too. But, in both cases, Hayden was not alone. Richard Flacks, who joined Hayden in drafting the Port Huron statement, was present for the Santa Barbara session. So was Al Haber, the first president of SDS. Other SDS members included former group president Paul Potter, Mickey Flacks, Don and Myrna Villarejo, Bill Zimmerman, Shari Whitehead Lawson and Ann Nye. For those who have asked what happened to the political activists of the sixties, the Santa Barbara meeting helped provide an answer.

Not a conspiracy

It would be a mistake to see the Santa Barbara conference as some sort of conspiratorial gathering. Conspiracies, like mushrooms, are not noted for flourishing in sunlight. And this meeting displayed an openness rarely seen at even the most mundane of political conclaves. Rather, the conference reflected the evolution of a political movement that has been working its way toward the surface for many years.

Lounging on the grass with the ocean rolling behind him, Tom Hayden reflected on the SDS thread so clearly tied to the Santa Barbara conference.

He said, "The parallel between 1962 and today is that there is a healthy, expectant, idealistic group of people who, then, were preparing for political change while somewhat sceptical of what the future would bring, and outside the system wondering whether or not the system could be opened up. And now similar gatherings of people who are, maybe, battle-scarred from many efforts over the years but still have a faith and a healthiness, and are now in a position, not simply to protest from the outside, but to actually start carrying out some changes from the inside. And that marks some progress."

One dominant theme of the Santa Barbara conference was the perspective on change. In his opening speech, Hayden cautioned that the new coalition which they hoped to build would not spring into existence within 24 hours even if "we all stay up all night." Later he commented, "I think it is very necessary to encourage patience. By patience, though, I don't mean gradualism. There is no reason to put up with injustice for one minute. You should fight injustice wherever you find it. But, in fighting it wherever you find it, you must realize that the fight will be very long."

The conference began with an attempt to give the gathering an historical perspective. Before a hushed audience, a team of actors recruited by Jane Fonda and featuring her famous father gave dramatic readings of works dealing with California history. Richard Flacks brought it up to date by declaring, "The movements of the sixties did not end. They have begun to lay down roots."

At the same session, Colorado Treasurer Sam Brown — the VietNam Moratorium organizer who that same day had been nominated by President Jimmy Carter to be the new director of the federal volunteer agency ACTION — sounded a cautionary note. He told the audience, "We don't have a history

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of alternative political leadership. I hope we have begun to develop into a new area. But it is a difficult role determining how to define progressive politics."

The 'old new left'

The word "progressive" floated on the air throughout the conference. Progressive politicians will be elected. Progressive programs are to be adopted. It might best be described as a shorthand way of saying "old new left."

For the better part of two days, the more than 700 people who attended spent their time in workshops hammering out the planks in the platform upon which the new political coalition would be built. The basic preparation of the planks came under the auspices of the Campaign for Economic Democracy (CED). It was not by accident that the call to the conference declared, "The corporate California dream is turning into an economic and social nightmare. We are gathering in Santa Barbara to create a new vision of California. This dream has a name: Economic Democracy." The CED springs directly from the Hayden campaign of last year as do its principle organizers — former SDS and Hayden campaign members Bill Zimmerman, Sam Hurst and Shari Lawson.

Central to whatever may develop from the conference is the concept of using the political system to reform the economic system. And that requires the creation of a new political coalition. The question is whether people will rally to the banner of economic reform. In a lengthy interview, Sam Hurst argued that they will. "The economic platform is the only thing which appeals to enough people," said Hurst. "There is no single issue such as the war or civil rights. But you can build around poverty or the threat of it."

Sketching in the framework of the conference, Hurst explained, "It is an anti-corporate struggle for economic democracy. We're trying to provide a more cohesive corporate analysis rather than an alphabet soup of liberal issues. People's presence here implies a commitment to a program around which we can organize on a statewide level. The Hayden campaign catapulted California ahead of other states because it created a network of political activists . . . . The point of this conference is that you can't build a coalition by telling people where they are going. You have to find what is common and coalesce around it." Hurst and the other organizers believe that economic democracy is the common concern.

When they talk about economic democracy, they make a distinction between large and small and seem to be taking at least a few pages from one of Governor Jerry Brown's favorite books, *Small is Beautiful* by British economist E. F. Schumacher. For example, Hayden told interviewers, "We're not against the small stockholder and we're not against the small businessman. What we're against is the large monopoly that concentrates so much economic power that it's bound to spill over and corrupt the government. I think the senior citizen, the shareholder, the small businessman are all powerless in the face of that kind of economic power. And so you are faced with becoming victims of a kind of economic tyranny or you are faced with trying to find some way for consumers and workers and community people through their government and through their job to have more voice in the way that economic decisions are made."

Two essential steps

By the end of the weekend, the conferees had taken two essential steps. First, they adopted a platform calling for control of corporations, full employment, improved transportation, support for rent control and tenant rights, public ownership of utilities, quality education for everyone and restructuring of the tax system among other things. Second, they decided to work toward building a new political coalition based upon this platform.

The real test will be whether the new coalition can deliver at the polls. With that in mind, most conferees agreed that they must begin political organizing at the local level and work upward. If they win elections at the local ballot box, then they or their candidates can move on to statewide contests and build upon success in those elections to develop influence in presidential primaries in the major industrial states.

First victory

Already, the Campaign for Economic Democracy is claiming one victory with Ben Tom's win of a school board seat last November in San Francisco. Now, most observers are focusing on the 44th Assembly District race in West Los Angeles. The seat became vacant with the special election victory by Alan Sieroty, who moved up to the state Senate. Some think the Assembly contest could set up the first clash between the Hayden organization and the so-called Waxman-Berman machine.

The problem with the Waxman-Berman versus Hayden scenario is that the key players say it isn't so. Assembly Majority Leader Howard Berman has kind words for all the candidates in the race including consumer activist Ruth Yannatta whom Hayden backs.

There is also the question of whether the Santa Barbara conference and resulting political coalition might not also be a vehicle for Tom Hayden's personal use in mounting another campaign for elective office. Hayden candidly admits that he will run again but says he does not know when or for what. Friends have suggested that he run for either state treasurer or controller next year on the assumption that the current incumbents won't seek re-election. But Hayden is cool to those suggestions. He says, "I don't think I can run for any office like that for a year, which is what you'd be doing, and still have this organization succeed. If it was possible for this organization to grow and run many local and regional candidates and for me to run for some office like that and actually win, then I would definitely consider it. But I'm sceptical about it. If it means a choice between my running versus the organization growing, then my commitment is to the organization growing."

The emphasis of the conference planners remains firmly focused on long term political activity. In political circles, it may be that the Santa Barbara platform will become as well known as the Port Huron statement. If that is all, then many will judge the conference and the coalition a failure for, despite the importance of the SDS connection, there is another model that might be more apt for the long term.

Shortly after World War II, during another period of political upheaval, activists met in Minnesota to form a coalition that became known as the Democratic-Farmer-Labor Party. By 1948, the DFL had swept the statewide elections and begun a dominance of Minnesota politics that has never ended. It has become the nation's most influential state political organization, and its impact on national politics has been substantial.

The types of successes about which the Santa Barbara conferees talked, successes at the state and national level achieved through the use of the political system, will require the development of something very like the DFL. It may not have the flash and dash of the SDS, but it has endurance. And, if that should be the result of the Washington birthday weekend, then the political landscape of California will have been significantly altered.

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WHERE ARE YOU, HENRY KISSINGER?

Wanted: peacemaker for the school labor board

By LEAH CARTABRUNO

The Educational Employment Relations Board (EERB) takes the Bagley open-meeting act literally — it even conducts its disputes publicly. And, in the little more than a year it's been in existence, there have been plenty of those. In attempting to implement SB 160, Senator Albert Rodda's bill giving public school employees the right to bargain collectively, the board has built a record marked by frequent clashes among the three members, a backlog of unit disputes and unfair-labor-practice cases, and money left over in the EERB budget.

But the picture isn't entirely negative. The board made significant progress toward bringing the state's 450,000 public school employees from 1,170 separate school districts under the law. As of March 31st, 1,404 bargaining units were established, 1,179 through voluntary recognition by 817 school districts and 225 through field elections conducted by board employees. (The big representation winners are the California Teachers Association for certificated employees and the California School Employees Association for classified employees, each representing approximately 90 percent of the established units in their respective categories.)

The board has rendered 15 formal unit-determination decisions (deciding which employees are included in a bargaining unit), which have reduced the backlog of these cases from 400 to 98. Overall, however, there are 380 cases pending: 212 involving unit disputes of all types and 168 involving unfair-labor-practice charges. The EERB is also attempting to resolve 202 employer-employee disputes where an impasse has been declared and mediation is being attempted, and 28 cases at the next level of impasse, factfinding. (There are no figures kept on strikes as they are not part of EERB's explicit jurisdiction under the law.) If the amount of work the board has accomplished is significant, the work ahead is staggering.

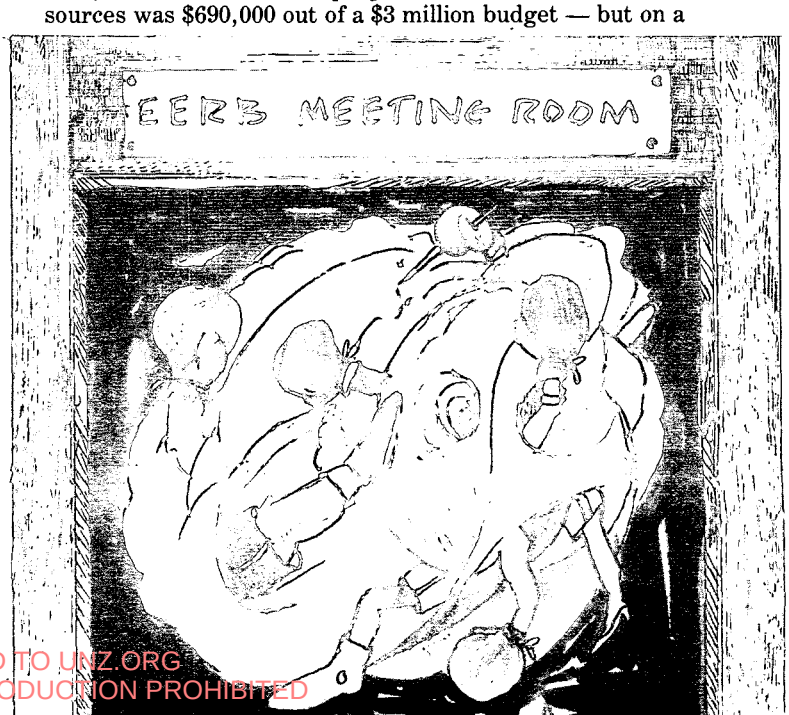
The board is staffed by 82 employees (69 of them permanent) housed in a state headquarters and three regional offices in Los Angeles, San Francisco and Sacramento. The staff has been commended by board members, labor and school-district representatives who deal with EERB. Both executive director Chuck Cole and general counsel Bill Smith have been praised by EERB chairman Reginald Alleyne and a variety of others as being top-notch administrators.

Strong-arm tactics

But there have been a number of concerns directed at staff. A few school representatives claim that strong-arm tactics are occasionally used to pressure parties involved in a dispute to settle before the issue becomes another caseload statistic. Some contend that board morale is low because of the quarreling of the members. Others complain that the Los Angeles regional office has too large an area to cover. The same office was criticized for making inconsistent decisions or for being indecisive instead of aggressive in settlement of disputes.

Both labor and school-district representatives are concerned about the inexperience of the staff. Mary Bergen of the California Federation of Teachers said, "Since the Legislature set the salaries for the board lower than most comparable boards, and the EERB has to employ lawyers, they have people without experience, or with very little experience. I'm not saying they aren't good, it's just that if you are setting up a new agency, it helps to have history and a little understanding of the task at hand." Richard Currier, the employer-employee relations executive for the Association of California School Administrators, is concerned that "the EERB isn't moving quickly enough with in-service training for its staff members."

Part of the money left over in the board's budget stems from the fact that low board-member salaries compact the salaries that may be paid to the board's attorneys. (Pay for EERB members was set by statute at $36,000 a year. Agricultural Labor Relations Board members get $42,000 a year.) By hiring at low entry-level salaries and by adding staffers only as they were needed, $139,000 was saved. By using the state Conciliation Service instead of hiring outside mediators and factfinders, the board saved the entire $500,000 allocated for that purpose. The total saved from all sources was $690,000 out of a $3 million budget — but on a



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one-time-only basis. Next year, salary raises and an anticipated increase in the number of impasses should consume the budget surplus.

The most serious complaints don't center on the staff, but on the EERB members themselves. Only one representative, Currier, worried that the board isn't doing exactly what is written in the law, but is acting on personal feelings as to how the law is being implemented. Said the administrators' Currier, "The board should attempt to define or interpret the law as it was written," and not on the basis of personal opinions about how collective bargaining should be conducted. Others complain that the incessant bickering is beginning to reflect on the board's credibility.

Procedure before business

But the most universal complaint is the board's slowness in issuing decisions. Declared Ralph Flynn, executive director of the California Teachers Association, "The board is more concerned with procedure than with getting the business of deciding units completed." Flynn complained that the New York state board had double the jurisdiction and half the California board's budget but is turning out decisions faster than the EERB.

The board's conflict centers on some basic issues. EERB member Jerilou Cossack views the board's mission as prosecutorial, with staff members going out and investigating on their own. Chairman Alleyne believes the EERB should be the court of last resort. He feels the board's function is primarily quasi-judicial and that the board should wait until parties have exhausted all possible solutions and then seek the EERB's help.

Parallel with that disagreement was the dispute over whether board members should be concerned with the day-to-day implementation duties, or should just stick to hearing appeals and writing opinions. Board members Cossack and Ray Gonzales hold the prevailing view that the board should be involved with the administrative functions and passed a resolution apportioning administrative oversight. At one point, Gonzales assumed the role of hearing officer in a Bakersfield case. Alleyne, arguing that the board has competent staffers paid to perform administrative duties, refused to participate in these housekeeping operations.

An element in this administrative-versus-judicial debate was the question of how often the EERB should meet. Cossack said once a week. Alleyne proposed once a month. For a while, Gonzales sided with Cossack and weekly board meetings were held. When the agenda contained only administrative topics, Alleyne refused to attend. His boycott received statewide publicity.

The swing vote

"At first, when I saw Alleyne walk out, I thought, 'My God, this is a public agency, what's going on?'," recalled Jack Germain, editor of the California Reporter on Public Employee Relations published by the school boards association. "But once I understood the process, I could see what he was trying to do." At some board meetings, from 30 minutes to two hours were spent on such topics as where board employees should park or how a press release was worded.

Other points of conflict: After the first eight months of operation, Alleyne worked out of the Los Angeles office, reportedly making him inaccessible; the chairman had no specific duties in the law, therefore, he was just another member with no special authority (Alleyne was accused of modeling his chairmanship after those found in other states' statutes); the budget was too high (Alleyne made headlines when he said the job could be done for a million dollars less).

Although Germain thinks the board's proceedings have improved in the last two months, the conflict had an explosive impact. Asked if there was a winner and a loser, Germain said that most of Alleyne's positions have usually tested out and the weight of events has proven his position correct insofar as what the parties in the field need.

When it came down to it, Gonzales held the swing vote between the two main combatants: Alleyne and Cossack. It was not a role unfamilar to Gonzales who, as a former assemblyman, understands political in-fighting. "At first," Gonzales explained, "I played a positive role. Today I would keep Reg (Alleyne) happy, tomorrow I would keep Jerilou (Cossack) happy. But, after a while, I turned it around to a negative. Today I would make Reg mad; tomorrow, Jerilou." Gonzales, a professor before he was elected to public office, gave the board some practical knowledge of the field of education.

Those who deal with the board characterize the two members locked in combat as intelligent and insightful — and apolitical. But no one mentioned such adjectives as conciliatory, flexible, open-minded or peace-making. And, to all appearances, not one of the board members has made a genuine attempt to bridge the chasm that separates the feuding members. Instead, communication during the time between public meetings is non-existent or perfunctory at best. The disputing parties have polarized their positions — and there's no Henry Kissinger in sight.

The public record

All three members are culpable. Alleyne aired his budget views publicly and was dramatic in his boycott of meetings instead of trying his hand at diplomatic leadership. Gonzales wrote a letter involving the Los Rios Community College case blaming all the delay in the matter on chairman Alleyne. Cossack has allowed the personality clash to show up not only at public meetings but also in her written case decisions which are part of history's public record.

Cossack sets the battle lines very clearly. Starting with a Petaluma case, decision number nine, her dissenting language gets intemperate. Examples: "The majority blithely excludes the entire classification . . . ." "The majority's characterization of the status of summer school teachers as 'tenuous and short-lived' is absurd since . . . ." "Thus, the majority misstates the evidence . . . ." "Finally, Chairman Alleyne's proposed belated dissenting opinion is unauthorized. I object to it." (The last statment refers to an Alleyne plan to speed up decisions. It would have called for a decision to be put into operation when the board decided on a course of action, with opinions to be written afterward.) These feelings may exist between other members on other boards, but they usually aren't documentable.

An unusual situation arose because of this conflict. Gonzales' one-year term had expired January 1st. Four months into the year, he still didn't know if he would be reappointed. Because of the commission deadlock, some felt a change in the board chemistry was necessary. But it was debatable whether a replacement could change anything as the two major opponents would still be on the board. Cossack argued that change would be undesirable. In a written statement, she said, "Changing one member of the board at this time completely negates any precedential value of our initial decisions, which would be a disservice to all those persons affected by our decisions."

Gonzales reappointed

Gonzales waged a forceful, and successful, campaign for reappointment. Unfortunately, it included letters to the Governor indicating certain parties who would be upset if he, a Chicano, weren't reappointed. The letters contained a list of those to whom carbon copies were being circulated. This reportedly infuriated the Governor. But the deciding factor was the intervention of three political heavyweights:

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Assembly Speaker Leo McCarthy and his lieutenants, Assemblymen Howard Berman and Julian Dixon. The three met with the Governor to indicate their preference for Gonzales' reappointment — and held fast to that position. (When he was an assemblyman, Gonzales had cast a pivotal vote for McCarthy in his speakership battle with Assemblyman Willie Brown.)

A political realist, the Governor reappointed Gonzales. As an alternate plan, the Governor may ask Cossack to resign. But, short of malfeasance, there are no grounds for her removal and there is little reason to believe she will go willingly. It appears that if anyone leaves, it will be Alleyne. He had previously made it known that he intended to serve only three of the five years in his term; otherwise he would jeopardize his tenure as a professor at the UCLA law school. Faced with what he could consider an untenable situation, Alleyne may speed up his departure.

Some, including CTA's Ralph Flynn and Gonzales, favor addition of more members to the board. With three, explains Gonzales, there isn't enough interaction; it's always two to one. That's only one of the suggested changes. Others feel the board members should serve part-time with only the chairman on a full-time basis. Others believe the duties of the EERB chairman should be spelled out in the statute. Assemblyman Berman has a bill, AB 1091, which would put employees of the State Universities and Colleges and the University of California under the jurisdiction of the board with full bargaining rights. But the bill doesn't contain funds for implementation and wouldn't make any changes in the board.

In view of the intensity of the personality conflict, it is a wonder that anything has been accomplished by the EERB. The dispute has slowed the board down, but hasn't stopped it, by any means. As Flynn pointed out, "They all work like hell, but in different directions."

ROSTRUM

The Journal encourages readers to submit brief letters on subjects dealing with California politics and government.

The 210-minute rush hour

I read with interest Mr. Levin's March 1977 article on the use of flextime to decrease congestion on Los Angeles freeways. While I favor flextime and fully agree that methods must be found to encourage more efficient use of freeway space, I don't believe flextime will do much to relieve congestion in Los Angeles.

Mr. Levin suggests that if commuters were to spread their morning work trips between the hours of 6:30 to 10 a.m. and their evening returns between 4:00 and 7 p.m., congestion would be substantially alleviated. Unfortunately, heavy congestion now exists throughout these periods. While flextime would allow workers to come in and depart at different times, drivers would still be travelling in what are the most heavily congested four hours each morning and evening.

While flextime in itself doesn't appear to offer much hope for reducing congestion on the Los Angeles freeway system, its effects would certainly be beneficial if it made carpooling easier. Average vehicle occupancy in Los Angeles in the peak hours is now 1.2 persons per car. If this could be increased to 1.4 persons per car, congestion would be eliminated.

ADRIANA GIANTURCO
Director of Transportation

Season of the candidate

You're right. It's candidate cocktail time (*CJ*, March, 1977). The dust has hardly settled from the windy disturbance of November, and plans are being made for '78. The "powers that be," with the "funds that are," are busily contemplating who will be the "most likely to succeed" in the higher offices in the safe districts before they pinpoint the target. Meanwhile, back in the gerrymandered arenas, both parties want real candidates, not tokens, but do nothing to equalize the distribution of registration so that both sides have a fighting chance. 'Twas ever thus! I've been approached by many concerning the prospects of running again in '78 because it would be a shame to have wasted all of that good experience in the last campaign. For what? The democratic process? It's an exciting and challenging experience to crusade for good government, but a waste of time, energy and money. When the opposition could pick a name from the cemetery or the Santa Anita racing sheet and still win, and when the *California Journal* states midway in the campaign, "No Democrat can win in this district," there is definitely something wrong with the democratic process.

PAT OSTRYE,
Mayor pro Tempore, Monrovia
1976 Democratic Nominee, 61st AD

Selected government reports

Let's Look at the Property Tax; prepared by The League of Women Voters of California. 1976. Analyzes the property tax as an element in education, housing and land-use decisions. 113 pp. paperback. Available from the League, 942 Market St., San Francisco, CA 94102. ($1.95 plus tax) **Let's Look at Assessment Practices:** League of Women Voters of California. 1976. Examines current practices, reform proposals and alternatives. 94 pp. Available from the League. ($1. plus tax)

Major Legislation of Interest to Taxpayers 1976; by California Taxpayers' Association. 1976. Analyzes the 81 bills on which Cal-Tax had taken a stand. 27 pp. Available from Cal-Tax, Suite 800, 921 11th St., Sacramento, CA 95814.

Government as Parent: Administrating Foster Care in California; by Jessica S. Pers and staff, for the Institute of Governmental Studies, U.C. Berkeley, with support from the Ford Foundation and the Carnegie Corporation of New York. 1976. 126 pp. Available from the Institute, 109 Moses Hall, U.C. Berkeley, CA 94720.

Restoring Soundness to California's Public Pension System; by Glenn Paschall and John Ellis for California Taxpayers Association. Contains 12 recommendations for changes in the system. 27 pp. Available from the Association, 921 11th St., Suite 800, Sacramento, CA 95814. ($5.00)

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California CAPSULES

Initiative-spending lid left off; Supreme Court upholds state decision The U.S. Supreme Court refused to hear an appeal of the state high court's decision to strike down a financial limit on the gathering of signatures for ballot initiatives. The appeal was made by the Fair Political Practices Commission. Both the commission and the limitation were established by the California Political Reform Act of 1974 (Proposition 9).

Business climate's good — if your business is grass Californians spend nearly $700 million each year on more than 600 tons of marijuana, according to the National Organization for the Reform of Marijuana Laws (NORML). The group issued the estimate in support of AB 367, introduced by Assemblyman Willie Brown, which would make penalties for marijuana possession and cultivation for personal use the same, a misdemeanor. Currently, it is a felony to grow any amount of grass.

LA Mayor Bradley wins by landslide, run-off for controller Los Angeles Mayor Tom Bradley won re-election by a landslide April 5th. In a field of 12, his nearest opponent, state Senator Alan Robbins, took only 28 percent of the vote to Bradley's 59.4 percent. While the issue of busing for school integration didn't appear to hurt Bradley, it did appear to throw three school-board races into run-offs. Community college trustee Ira Reiner, who led a 10-candidate field for city controller, is in a run-off with Republican state Assemblyman Bob Cline. Only 42.4 percent of the city's eligible voters cast ballots, the smallest turn out since 1961. The run-off election is May 31st.

Little Hoover report rips DMV, director agrees on most points The state's "Little Hoover Commission" issued a report which blasted the Department of Motor Vehicles for inefficiency and for not understanding how to use cost-accounting or its own computers. Two of the department's most important duties are issuing drivers' licenses and vehicle registration. Both procedures are antiquated, according to the commission, and rely heavily on hand work. "The only ancient items they didn't have," commented the report, "were green eyeshades and black cloth sleeve protectors." Dressed in just such garb, department director Herman Sillas called a press conference to agree with most points the report made. He called the eight percent error rate in the vehicle registration program "a very valid criticism." Of the 60 recommendations, Sillas said his department has implemented about 10.

Election dates set for two vacant LA Assembly seats Governor Brown set May 24th as the date for a special election in the 46th Assembly District and May 31st as the date for a similar election in the 44th Assembly district. Both districts are in Los Angeles, and the elections are necessitated by the appointment of Democrat Charles Warren to a federal environmental post and by the election of Democrat Alan Sieroty to the state Senate. The candidates in the 46th are Republican Howard O. Watts and Democrats Sabrina Schiller, Kimball Stark, Daniel J. Smith, Roland Cayard, Benny Carter, Kaz Umemoto, Lois Yudovin, Martin Milas, Don M. Mosser, Don Hollinsworth, George G. Hardie, Joe Abella, Don Amador, Burt Wilson, Sue Welsh and Mike Roos. In the 44th, the contenders are Republican Dana Reed and Clo Hoover and Democrats Hilary Goldstone, Ruth Yannatta, Melvin Levine, Ray Hatler, J. Ray Gallagher, Alan Gershman, Nathaniel Trives, Carl Dahlin, John Durst and Robert Barsky. If no candidate receives a majority of the vote in either contest, a runoff election will be held between the highest Democrat and the highest Republican four weeks later. Both districts are heavily Democratic.

Initiatives on taxes, campaign financing fail to qualify Four separate drives to qualify tax-limitation initiatives for the June 1978 ballot have failed for lack of sufficient signatures. Each of the plans would have limited property taxation. Two would have established a limit of one percent of value. Another set a limit of 1.5 percent, and the fourth would have banned property taxation without approval of the electorate. A proposal calling for public financing of certain political-campaign expenses and limiting contributions to candidates also failed. The measure was sponsored by Michael Walsh, former state chairman of Common Cause.

NEWSMAKERS

The world traveler

Congressman **Charles H. Wilson** of Los Angeles took his seventh official trip abroad in 27 months last month, leading a delegation on an inspection tour of postal facilities in Germany, Belgium and Spain. The day before he left, Wilson took the House floor to criticize colleagues for going on an Easter recess trip to China and called it a "hypocritical" violation of the ethics codes passed by the Senate and the House .... Assemblyman **Tom Suitt** of Indian Wells spent two days in a Sacramento jail following his second conviction for driving under the influence of alcohol.

Leonard Ross, 31, resigned as a member of the state Public Utilities Commission to become a special assistant in the State Department .... Appointments by Governor Brown: **Richard E. Rominger,** a Winters farmer, as director of the Department of Agriculture with cabinet-member status; **Leonard M. Grimes,** director of general services, as secretary of agriculture and services; **Don Vial,** director of industrial relations, as a member of the cabinet; **Harvey Furgatch** of San Diego, to the California Horse Racing Board, succeeding Gray Davis; **Eugene Upshaw,** offensive lineman with the Oakland Raiders, to the Community College Board of Governors.

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Why the *Bakke* case has the University under siege

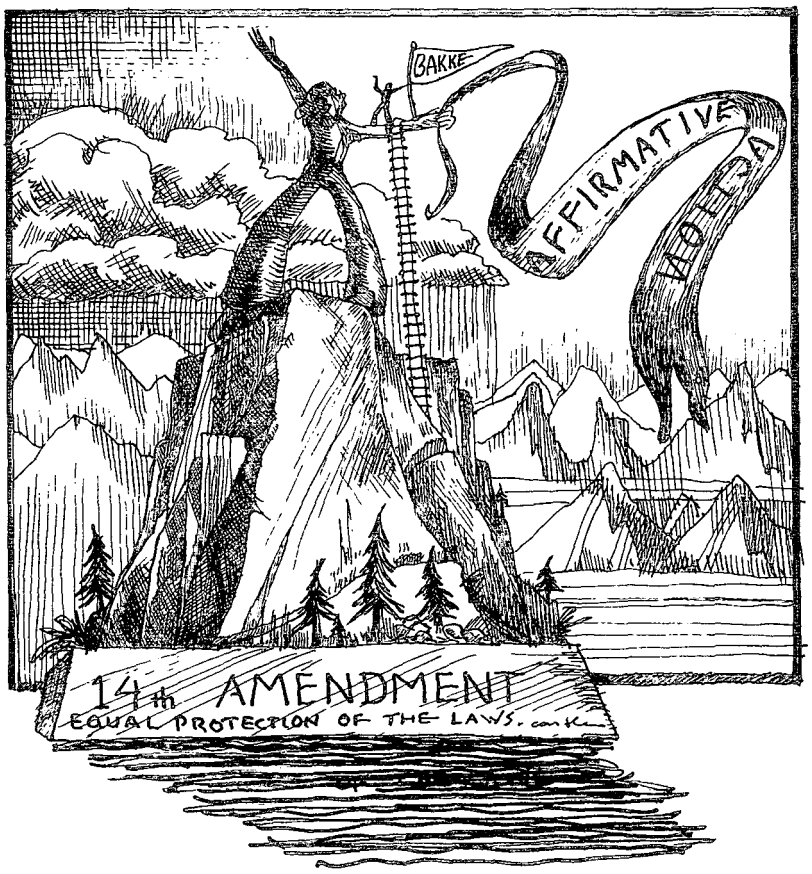
By RICK ROGERS *and* JUDY HARPER

Allan P. Bakke, a 38-year-old engineer from Sunnyvale, applied for admission to the University of California at Davis medical school in 1973 and 1974. He was rejected both times — along with the 2,543 applicants in 1973 and 3,636 in 1974 who were competing for only 100 class slots.

Davis, like many other schools, had employed a special admissions program designed to increase minority representation in each class and, thus, to integrate the medical profession and provide more services to Black and other minority communities. Davis set aside 16 of the 100 slots each year for so-called disadvantaged applicants, who were judged separately from the so-called advantaged applicants, which included Bakke.

Bakke went to court with the contention that he received higher test scores than some of the minority applicants accepted each year he applied and, therefore, he was better qualified to enter the medical school. Test scores have never been the sole criterion for admission, and Davis officials said Bakke would not have been admitted even without the special minority program because of such factors as his age and the impressions obtained in admission interviews. Bakke also applied to the Stanford and University of California at San Francisco medical schools and was rejected.

Bakke charged that Davis discriminated against him because he is a member of the White majority and that the United States Constitution protects individuals in the majority as well as those in minority groups. The state Supreme Court ruled in his favor, and the University of California is now appealing the ruling to the United States Supreme Court.



Threat to affirmative action

Minorities and other civil-rights activists view the *Bakke* "reverse discrimination" case as a serious threat to their efforts to bring about equality of opportunity. They feel that the *Bakke* case could virtually destroy affirmative-action programs and cripple the civil-rights movement in the United States. Should the United States Supreme Court uphold the California decision, all minority-preference programs in the country could be considered unconstitutional, in employment as well as education.

The California Supreme Court has a reputation of being one of the most liberal panels in the country, yet it voted 6-1 in favor of Bakke. The court said that because Davis didn't demonstrate that it had tried a racially neutral means of achieving its goals and because it had given preference based on race without exhausting other alternatives, it had violated the equal-protection clause of the 14th Amendment to the United States Constitution.

The 14th Amendment prohibits any state from denying "to any person within its jurisdiction equal protection of the laws." The original purpose of the amendment, adopted following the Civil War, was to protect the Black minority from discrimination. The key question raised by *Bakke* is whether a provision intended to protect minorities can violate the rights of the majority. The state court found that the equal-protection clause applies to every "person" regardless of race.

The courts have used two basic tests to determine whether the 14th Amendment has been violated. The first is the "rational basis" test, and a program has usually been upheld if there has been any rational reason for justifying it.

Rick Rogers is a consultant with the Senate Democratic caucus, and Judy Harper is a student at the McGeorge School of Law in Sacramento.

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However, a more stringent standard has been applied where a classification by race has been involved. Such a classification is considered "suspect" and subject to a "strict scrutiny" standard of review. In this event, the classification must serve a compelling state interest and there must be no reasonable alternatives. The state court found that the University had not shown a compelling state interest and suggested a number of alternatives that the University had not employed.

The lone dissenter in the state Supreme Court's decision, Justice Mathew Tobriner, argued that the 14th Amendment does not stop the federal or state governments from granting preferential treatment to minorities in an effort to overcome the effects of past inequities. He cited decisions validating remedial racial classifications and challenged the validity of test scores as a measurement of qualification. Grades, he noted, can be culturally biased against minorities and do not bear a significant correlation to the individual's eventual achievement in a profession.

Perhaps the most ironic aspect to the *Bakke* case is that the University of California, which established the minority entrance program, is also under attack from minorities. Attorneys for minorities urged the University of California not to appeal *Bakke* to the United States Supreme Court because it is a bad case on which to set affirmative-action precedent. Some, including NAACP spokesman Nathaniel Colley of Sacramento, have even charged that there was a conspiracy between UC and Bakke to invalidate the program.

Bakke is considered a poor case by minority groups because there are many other affirmative-action programs which are designed to help minorities without being so clearly to the disadvantage of White males. According to the NAACP and the Mexican-American Legal Defense and Education Fund, Davis did not do its legal best to defend the special admissions program. They claim the University did not present sufficient documentation to show that more minority doctors are needed to provide adequate medical care to minority neighborhoods. Although Davis emphasized the discriminatory effects of traditional admissions criteria, the school did not present to the state court the kind of evidence of prior discrimination that could have justified approval of the admissions policy, according to these minority organizations. If the University did not appeal, the effects of *Bakke* would be limited to California, and a case with a better fact pattern could be brought before the United States Supreme Court as the landmark case.

In *Defunis* v. *Odegaard*, a White sued the University of Washington law school for reverse discrimination, and minorities would have preferred that *Defunis* or a case like it become the test rather than *Bakke*. This is because the school presented complete documentation of past discrimination in defense of its special admissions program. In its 67-year history, the school had graduated 3,800 Whites and 12 Blacks. A lower court ordered that Defunis be admitted, but by the time the case reached the United States Supreme Court, Defunis was two months from graduation. The court used this fact to declare the case moot, avoiding the necessity of deciding the case on its merits.

Conspiracy charge

The conspiracy charge against the University is based on letters indicating that it was Peter Storandt, a UC admissions official, who first suggested that Bakke consider a court challenge to the Davis policy. Storandt apparently even suggested individuals to contact, materials to research and issues which might be raised in such a case. Storandt was urged to leave last year and is now at Oberlin College in Ohio.

The University of California Regents maintain that in appealing the *Bakke* decision it is fighting for minority groups, not against. UC president David Saxon, defending the University against charges of racism, has told legislators that he is making every effort to protect the rights of minorities and all other students to attend the University. Nevertheless Assemblyman John Vasconcellos, chairman of the Assembly Subcommittee on Postsecondary Education, is pushing legislation requiring that the enrollment in the state's professional and graduate schools reflect the racial and sexual composition of the state's population. Vasconcellos is attempting to develop options should the court uphold the *Bakke* decision.

Minorities are not optimistic about chances for victory next fall, when the Supreme Court is scheduled to hear arguments in the case. The Warren Court was known for the steps it took to help minorities, but the current court has become much more conservative in the civil-rights field.

Since the Regents decided to appeal the case, minority groups have demanded that the legal team which develops the case should include a minority representative. Declared Harry Edwards, the controversial UC sociology professor: "The peculiarities of this case require the inclusion of a minority attorney to look out for minority interests." However, the University hired Archibald Cox of Watergate prosecution fame to argue the case in Washington. While Cox is trusted by civil-rights groups, his selection did not end the protest over attorney selection. Cox will not be in charge of writing the appellate brief, and minority groups fear that it may be as deficient as the presentation made to the state court. However, minority groups will be able to make their case independently through the filing of *amicus* briefs with the court.

Bakke effect

What will be the effect of the *Bakke* decision? If the University should win, employers and educational institutions throughout the nation would be free to employ policies clearly favoring minority applicants over White males. In the more likely eventuality that *Bakke* is upheld, numerous affirmative-action programs employing race as a factor may have to be abandoned. According to the Association of American Medical Colleges, the percentage of minority students admitted to medical schools has dropped since 1974 even without the *Bakke* decision. With it, there are predictions that there will be substantially fewer minority applications and admissions.

Proponents of affirmative action claim that White males in our present society enjoy an advantage just because they are White males and that special programs are needed to give parity to minorities. These affirmative-action programs take a variety of forms. In some governmental agencies, specified percentages of new employees must come from minority ranks. Some institutions set goals for minority admissions, such as 20 percent at the University of California medical school in San Francisco, without judging minority applicants separately from Whites. Another important element in affirmative action is the recruitment of minority workers and students by businesses, government and educational institutions. In every case, a conscious effort is made to hire or admit minorities when they are qualified even if this means bypassing White males who might appear more qualified on paper.

All of these programs are designed to bring women and members of minority groups into the mainstream of American professional life. The question before the court is how to provide equal opportunity for these groups without denying equal protection to each individual within the majority.

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Who gave what to whom

Those who advocate public financing of state elections ought to take a look at the figures compiled for last year's campaigns by the state Fair Political Practices Commission. Under most public-financing plans, the bulk of the assistance would go to candidates in the general election. But the 1976 statistics indicate that, in California at least, just about as much money is spent in primary elections as in generals, partly because nomination is tantamount to victory in many of the state's legislative districts.

Slightly more than $14 million was spent on candidates and ballot propositions prior to the November balloting, and slightly less than $14 million for the June primary. The November breakdown: $8 million for legislative candidates, $5.4 million for the Assembly and $2.3 million for the Senate; $6 million for ballot propositions, with three measures getting most of the attention.

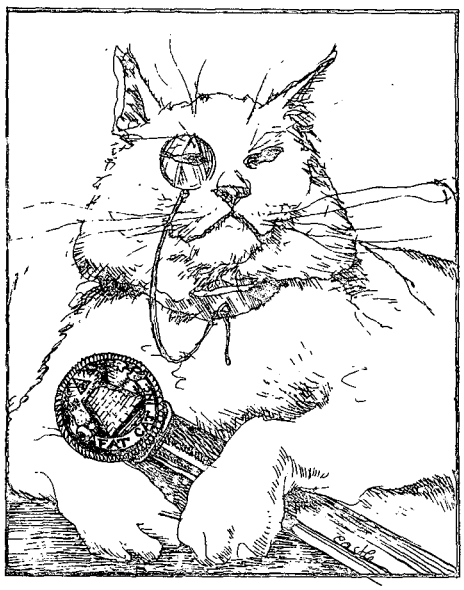
Here are the highlights of the 470-page statistical analysis compiled by the commission:

Biggest spending organizations ($100,000 or more): Santa Anita Consolidated — $308,000, with $182,000 for opposition to the dog-racing initiative, $31,000 to the Assembly Republican caucus, $30,000 to the Senate Republican caucus, and $20,000 to the Senate Democratic Caucus. California State Employees Association — $261,000 to numerous legislative candidates, topped by Republican Assemblyman Paul Bannai with $9,000. California Farm Bureau Federation — $251,000, $205,000 of it in opposition to the Chavez farm-labor initiative. Hollywood Park Trust Account — $253,000, with $225,000 in opposition to the dog-racing measure.

Association for Better Citizenship (California Teachers Association) — $199,000 to numerous candidates headed by Democratic Assemblyman Tom Suitt with $10,000. California Real Estate Political Action Committee — $163,000 to a variety of legislative candidates topped by Republican Senator Lou Cusanovich with $5,000. United Auto Workers Political Action Committee — $145,000 to a variety of candidates, headed by Democratic Senator Nicholas Petris with $15,000. Southern California Greyhound Racing Association — $145,000 for the dog-racing measure. Los Angeles County Committee to Elect State and Local Republican Candidates — $115,000, most of which was shifted to the County Central Committee.

Southern California Edison Company — $113,000, with $91,000 going in support of Proposition 5 (interest rates). California Medical Political Action Committee — $111,000 to numerous candidates, topped by Republican Assemblyman Jim Ellis with $6,000. Western Growers Political Action Committee — $101,000, including $15,000 to fight the farm-labor measure and $8,000 to Republican Senator Bob Nimmo.

Leading Assembly spenders (over $75,000): Speaker Leo McCarthy (D) — $206,000, much of it distributed to other candidates; Tom Suitt (D) — $157,000; Richard Lehman (D) — $126,000; Richard Robinson (D) — $126,000; Ron Greenslate (R) — $108,000; Bill Jones (R) — $103,000; Bruce Young (D) — $99,000; Robert Burke (R) — $97,000; Betty Smith (D) — $95,000; Eugene Chappie (R) — $95,000; Larry Parrish (R) — $95,000; Paul Bannai (D) — $92,000; Dennis Mangers (D) — $92,000; Charles Imbrecht (R) — $88,000; Chet Wray (D) — $88,000; Henry Mello (D) — $85,000; Paul Priolo (R) — $82,000; Howard Berman (D) — $78,000; Mike Gage (D) — $77,000; Al McCandless (R) — $77,000; James Gonsalves (D) — $77,000; John Miskimen (R) — $76,000; Jim Ellis (R) — $76,000. All were winners except Greenslate, Jones, Burke, Smith, Parrish, McCandless, Gonsalves and Miskimen.



Leading Senate spenders (over $100,000): Milton Marks (R) — $187,000; Bob Wilson (D) — $160,000; Bob Whitten (R) — $154,000; Robert Mendelsohn (D) — $148,000; Jack Schrade (R) — $143,000; Randolph Collier (D) — $125,000; Bob Nimmo (R) — $114,000; Robert Beverly (R) — $104,000; John Garamendi (D) — $103,000. The winners were Marks, Wilson, Nimmo, Beverly and Garamendi.

Cash on hand at end of year (over $40,000): Assemblymen Leo McCarthy (D) — $84,000; Charles Warren (D) — $55,000; Ken Maddy (R) — $55,000; Bill Craven (R) — $50,000; Richard Hayden (R) — $44,000; Wadie Deddeh (D) — $43,000; Howard Berman (D) — $42,000. Senators Robert Beverly (R) — $96,000; John Briggs (R) — $73,000; Nicholas Petris (D) — $66,000; George Deukmejian (R) — $59,000.

Ballot-measure expenditures:

- Proposition 5 (revision of the usury law) — $662,000 in favor, mostly from major corporations and insurance companies; $48,000 against by the Independent Mortgage Brokers Association.
- Proposition 13 (dog-racing) — $653,000 in favor, mostly from greyhound-racing interests; $1.3 million in opposition, primarily from the horse-racing industry.
- Proposition 14 (farm-labor initiative) — $1.4 million in favor, mostly by the United Farm Workers; $1.9 million in opposition, mostly from grower organizations.

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STRANGER AT THE $2 WINDOW

Gray Davis' spurs into the Horse Racing Board

By JILL HOCKENSON

Two of the three members on the California Horse Racing Board (CHRB) found themselves in unorthodox company last fall when Governor Brown appointed his executive secretary, Gray Davis, as an interim member of the panel. In the past, board members generally have been wealthy horse or stable owners. Having been to the track only twice in his life, Davis obviously was appointed for a different reason.

The saga of the Davis appointment began with the Assembly Committee on Governmental Organization asking the Auditor General to investigate the board. The auditor's report was issued in September 1976, and the dust it raised still hasn't settled. The CHRB, a part-time body appointed by the governor, is responsible for regulating the $1-billion California horse-racing industry, to which the state is a quasi-partner. When horse-race gambling was legalized in 1933, the state set itself up as a watchdog of the industry and began collecting its share of the take, averaging $100-million annually. For the first half of his term, Governor Brown drifted along with Reagan-appointed board members — then the audit sparked his interest. He named Davis to the board to ascertain from the inside what had caused all the commotion and see what could be done to correct it.

Studying the stiflers

At the same time, other studies were undertaken by the Department of Finance and the CHRB. The intent was to make legislative recommendations on ways to deal with three specific problems facing the industry — the regulatory responsibilities of the CHRB, the stifling effect of racing zones and taxing policies and the expansion of horse-racing.

The Auditor General discovered that a significant percentage of those granted licenses by the CHRB had lied to the board on their applications. This is a serious charge, for licensing is the board's primary responsibility and most effective regulating tool. Every race-track participant — from janitor to owner — must be licensed, with the obvious exception of the bettor. The auditor also charged that the board had not been fulfilling its duty to provide information and counsel to the governor and Legislature. Since 1960, the number of recommendations from the board had dropped significantly. The audit also found that the board had been particularly lax in maximizing revenue to the state.

These criticisms raise important questions concerning this small, once-a-month, non-paid board: What should the Legislature expect of this board if it is only to be part-time and voluntary? Should the state take a more active role in regulating this industry, even if it means paying board members and increasing the staff?

One of the basic problems is that the CHRB has been given a broad and powerful jurisdiction — over "all persons and things" dealing with the operation of horse races with wagering in California. It must license participants, set racing dates, conduct investigations into license applications and infractions and act as a policing agent at the track. At the meetings, however, the board finds itself spending almost all of its time allocating the limited number of racing weeks to various competitive racing associations, each of which prefers to have a monopoly on the best weeks. The goal is to avoid head-to-head competition (same time of day, same breed within 100 miles) while still allocating the maximum number of weeks.

Board meetings prove to be heated and confusing. Davis, unfamiliar with the complexity of the industry, said he was astounded by what he discovered. "When these various associations come to state their cases, they begin hollering and demanding as if they are the

The author prepared this article as a Journal *intern from Chico State University.*

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only party present and act as though their requests have no effect on anyone else," he reported. It is not until the end of the meeting, under general business, that the board can attempt to take up other matters, Davis added.

Time commitment

The time it takes to prepare for the monthly meetings is extensive. Reports on licensing, disciplinary procedures, and track infractions arrive daily. Brown appointee Nathaniel Colley, a Sacramento attorney, admits that with his law practice it is impossible for him to read and study all communications, but he must read those dealing with racing dates and license appeals.

Davis says if membership on the board is taken seriously, the time involved is "incredible." To prepare for one meeting, it required 25 hours of Davis' time, three days of a full-time staff person, and one week of another part-time employee. However, such staffing and research facilities are not as available to the typical board member as they are to Davis, executive secretary to the governor. Because of this workload, a great deal of responsibility and freedom is given to the 28-member CHRB staff. The staff currently is based in Los Angeles and is headed by an executive secretary, Leonard Foote.

The field operations division divides its time between the northern and southern regional offices. These employees spend most of their time at the tracks performing two important duties — licensing and investigations. It is the staff which makes sure all participants on the racing program have been licensed, as well as double-checking some of the backgrounds of those already licensed. Acting somewhat like prosecutors, the division brings individuals up for disciplinary action to the board of stewards (a state-mandated, three-member body which renders on-the-spot decisions). Field workers also inspect the facility before a meet, check the pari-mutuel betting equipment, and deal with patron complaints.

What makes CHRB regulation unique is that its staff is relatively on its own, with little direct supervision. Davis and others say the board barely has time to get through the agenda of racing dates, let alone actively supervise a staff in Los Angeles. Davis hopes that the planned move to Sacramento will help bring the staff closer in line with the state's interests.

The move to Sacramento is the first in a series of steps to make the CHRB more effective. Three pieces of legislation have been drafted and the CHRB itself has formulated a string of legislative recommendations which put the concerns of the public before those of the industry. AB 194 would raise board membership to five, and AB 195 provides an annual salary of $10,080 for each member. Both bills are authored by Assemblyman Larry Chimbole of Palmdale. The third measure is sponsored by the Department of Finance and authored by Assemblyman Willie Brown. It also calls for the expansion of the board to five members, but with no compensation. The increased membership is based not on the current workload, but on the additional responsibilities included in the bill.

Increased revenue plan

Brown's bill was designed to increase the state's revenue without hurting the industry. It would eliminate the district concept which divides California into three zones, each having a statutorily established maximum number of racing weeks. By eliminating the zones, the CHRB would be free to initiate an expansion program. The bill also would remove some of the limitations from the license-fee schedule. The current schedule, which penalizes associations that increase their income by shifting them into a higher taxing bracket, discourages associations from increasing their handles (total amounts wagered).

The CHRB also has recommended that certain changes be made in the industry. One suggestion would free certain regulatory track employees from their obligation to the industry. The law requires each track to employ a number of individuals (stewards, track veterinarians, horse identification experts) to govern the conduct of racing at that track. These workers render crucial decisions, such as horse or jockey disqualifications, knowing it directly affects their employers — an awkward arrangement at best.

To remedy this, the CHRB has proposed that the track associations turn over the money used to pay these employees to the state. The state will then handle the hiring, firing and distribution of salaries. Under this arrangement, the regulatory employees will no longer feel beholden to those they are watching, according to Davis.

Another CHRB recommendation concerns the charitable racing days. As a condition of licensing, the associations must turn over profits from a prearranged number of days to charity, a "conscience clause" intended to offset the fact that the state is a partner in a gambling enterprise. These funds are distributed by the tracks themselves and, according to Davis, have traditionally gone to those organizations located within the vicinity of the track. Davis says the board isn't questioning the legitimacy of the recipients, only the fair distribution of the dollars. The CHRB proposal would create a single distributing agent to handle all charitable proceeds for the state. This agent would assure fair distribution of what is essentially public money by deciding in advance of meets which charities would receive what percentages.

Davis stepped down from the CHRB March 1st, but his impact will continue to be felt. With his vacancy, the replacement of Reagan-holdover Charles (Chet) Soda and the possible addition of two new members, Davis will have played a major role in forming a new CHRB. He has already indicated he will suggest that Colley be elected chairman. Davis also will be the chief advisor to the governor on future horse-racing legislation. With the board's move to Sacramento, he'll be able to keep a close personal watch over the reshaping of California's horse-racing industry.

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The Legislature's show-biz issue

Based on media coverage of the 1977 Legislature, one might think that the death-penalty was the all-consuming issue of the year, and that relatively little else of importance was happening in Sacramento. In fact, most everyone involved in the capital-punishment conflict recognizes that there probably will not be any executions in California for many years to come — regardless of what happens to any of the death-penalty proposals now under consideration by lawmakers. The issue is more of a political football than a conflict over whether or not convicted murderers will be put to death by the state.

Why, then, have the media, especially television and radio, devoted so much attention to the death-penalty debate? Capital punishment is an emotional issue on which almost everyone has an opinion, but the main reason is that it is an issue which requires far less explaining than some of the more complex economic problems now facing the Legislature. The gas chamber is much better show biz than *Serrano*.

There are several factors that should be kept in mind when evaluating the death penalty. None of the bills with any chance of passing would provide for capital punishment for the run-of-the-mill killer. So long as Jerry Brown is governor, he will probably not allow anyone to be executed. The United States Supreme Court has been inconsistent on death-penalty laws, and there is always a chance that the new California law would be declared unconstitutional. The state Supreme Court, which is undergoing change, may well prevent any executions for a great many years.

Despite all this, there is still the fundamental question of whether a capital-punishment law on the books is a deterrent to crime, and there are more than enough votes in both houses of the Legislature to approve such a measure. But there are three major stumbling blocks — the opposition of the pivotal Assembly Criminal Justice Committee, Assembly Speaker Leo J. McCarthy and Governor Brown. The consensus is that at some point a relatively weak bill will be sent to the Governor, and it will be vetoed. Then the Legislature will have the choice of overriding the veto or having a stronger proposal placed on the ballot next year — to the possible detriment of the Governor and the Democratic majority in the Legislature. The GOP gainers in an initiative drive would be Police Chief Ed Davis of Los Angeles and Criminal Justice Chairman Ken Maddy, who intend to run for governor, and state Senator George Deukmejian, author of the primary death-penalty bill and a likely candidate for attorney general.

The Senate approved Deukmejian's SB 155 with little delay, and there are a variety of measures pending in the Assembly. The Deukmejian proposal allows the execution of anyone convicted of murdering a police officer, murder for hire, murder during rape or robbery and torture killing. It also requires that appeals from death sentences be decided within 150 days.

Senate (26D, 14R)	SB 153	AB 380	SB 155	SB 255	SB 166	SB 216	AB 215
Alquist (D)	N	N	N	Y	Y	Y	Y
Ayala (D)	N	Y	Y	Y	N	Y	Y
Behr (R)	Y	Y	N	Y	N	Y	Y
Beverly (R)	Y	Y	Y	Y	Y	N	N
Briggs (R)	*	Y	Y	N	*	*	N
Campbell (R)	Y	N	Y	N	Y	Y	N
Carpenter, D. (R)	N	N	Y	N	Y	Y	N
Carpenter, P. (D)	Y	Y	Y	Y	N	Y	Y
Cusanovich (R)	N	N	Y	Y	Y	Y	N
Deukmejian (R)	*	N	Y	Y	Y	N	N
Dills (D)	Y	Y	Y	N	N	Y	Y
Dunlap (D)	Y	Y	N	*	N	Y	Y
Foran (D)	Y	Y	Y	*	N	Y	*
Garamendi (D)	Y	*	Y	Y	Y	Y	Y
Garcia (D)	*	Y	Y	Y	N	*	Y
Greene (D)	Y	Y	N	Y	*	Y	N
Gregorio (D)	Y	Y	Y	Y	Y	Y	Y
Holden (D)	Y	Y	N	Y	*	Y	Y
Holmdahl (D)	Y	Y	Y	Y	N	Y	N
Johnson (R)	N	Y	Y	Y	Y	Y	*
Marks (R)	Y	Y	N	Y	N	N	Y
Mills (D)	Y	*	*	Y	N	*	Y
Nejedly (R)	Y	Y	Y	Y	Y	Y	N
Nimmo (R)	Y	Y	Y	Y	Y	Y	Y
Petris (D)	Y	Y	N	Y	N	Y	Y
Presley (D)	Y	Y	Y	Y	Y	N	Y
Rains (D)	Y	Y	Y	Y	N	Y	Y
Richardson (R)	*	N	Y	N	Y	N	N
Robbins (D)	Y	Y	Y	*	N	*	*
Roberti (D)	Y	Y	N	Y	N	Y	Y
Rodda (D)	Y	Y	N	Y	Y	N	Y
Russell (R)	N	N	Y	*	Y	N	N
Sieroty (D)	Y	Y	N	*	N	*	*
Smith (D)	Y	Y	Y	Y	N	Y	Y
Song (D)	N	N	Y	Y	N	Y	Y
Stiern (D)	N	*	Y	N	Y	Y	Y
Stull (R)	*	Y	Y	N	*	*	N
Vuich (D)	Y	Y	Y	Y	Y	Y	Y
Wilson (D)	N	Y	Y	*	Y	N	*
Zenovich (D)	N	Y	Y	Y	Y	Y	Y

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-April. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y - Yes
N - No
*** — Absent or not voting**

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (⅔ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (⅔ = 27 votes)

Senate

ENVIRONMENT

SB 153 (Dunlap) — Prohibits manufacture and sale of aerosol containers after July 1, 1978, except for certain medical and dental uses. Passed 25-10.

AB 380 (Gualco) — Appropriates $600,000 for pilot water-conservation projects in three cities. Passed 29-8.

JUSTICE

SB 155 (Deukmejian) — Reimposes death penalty for certain crimes. Passed 29-10.

SB 255 (Nejedly) — Gives the new Community Release Board an additional six months to set inmate parole dates under the Uniform Determinate Sentencing Act. Passed 27-7.

MISCELLANEOUS

SB 166 (Johnson) — Allows small schools to

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be exempted from state law requiring that free or reduced-price lunches be provided for needy students. Failed 19-17.

SB 216 (Nejedly) — Allows the Assembly Speaker and Senate President pro Tempore to fill vacancies in state offices if the Governor allows the posts to remain open for six months. Passed 26-8.

AB 215 (Wornum) — Eliminates the requirement that voter-registration affidavits be sent to polling places, making voter signature comparison optional. Passed 23-12.

Assembly

BUSINESS AND CONSUMER AFFAIRS

AB 217 (Alatorre) — Reinstates tax exemption for promoters who buy television rights to championship boxing events and requires that the champion receive at least 25 percent of the sales price of the rights. Failed 33-23.

AB 234 (Gage) — Allows public members of the State Bar Board of Governors to receive $50 a day compensation while on official business. Passed 58-18.

EDUCATION

AB 88 (Chacon) — Grants aliens California residency status for college-attendance purposes under certain circumstances. Passed 57-20.

ENVIRONMENT

AB 236 (Vasconcellos) — Prohibits manufacture or sale of aerosol sprays after March 1, 1978, except for certain medical and dental products. Passed 41-38.

MISCELLANEOUS

AB 533 (Berman) — Permits cities and counties to operate pre-trial diversion programs for drug offenders and limits employer inquiries about drug-diversion program participation. Passed 61-10.

AB 149 (Chappie) — Exempts liquid petroleum gas from the sales tax if used for household appliances. Failed 48-20 (54 votes required).

AB 385 (Brown) — Permits California natives who underwent sex-change operations to revise birth certificates to reflect the change. Passed 41-30.

CORRECTION

Because of an error in the Senate Daily Journal, last month's listing on SCA 19 (Marks) was misleading. The roll call was on a procedural motion, not a vote on the measure itself.

Assembly (57D, 23R)	AB 217	AB 234	AB 88	AB 236	AB 533	AB 149	AB 385
Agnos (D)	N	Y	Y	Y	Y	N	Y
Alatorre (D)	Y	Y	Y	Y	Y	Y	Y
Antonovich (R)	N	N	Y	N	N	Y	Y
Arnett (R)	*	N	Y	N	Y	Y	N
Bane (D)	Y	Y	Y	Y	N	Y	Y
Bannai (R)	N	N	Y	N	Y	Y	N
Bates (D)	Y	Y	Y	Y	Y	N	Y
Berman (D)	*	Y	Y	Y	Y	N	Y
Boatwright (D)	*	Y	Y	N	Y	N	N
Brown (D)	Y	Y	*	Y	Y	*	Y
Calvo (D)	Y	Y	Y	Y	Y	N	Y
Chacon (D)	*	Y	Y	Y	Y	N	N
Chappie (R)	N	N	*	N	Y	Y	N
Chel (D)	N	Y	N	N	Y	Y	Y
Chimbole (D)	N	Y	N	N	Y	Y	N
Cline (R)	N	*	Y	N	N	*	*
Collier (R)	*	N	N	N	*	*	*
Cordova (D)	*	Y	N	N	*	Y	Y
Craven (R)	N	*	Y	N	Y	Y	N
Cullen (D)	Y	N	N	N	Y	*	*
Dannemeyer (R)	N	N	N	N	N	Y	N
Deddeh (D)	N	Y	Y	Y	Y	Y	Y
Dixon (D)	*	Y	Y	Y	Y	*	Y
Duffy (R)	Y	Y	N	N	N	Y	N
Egeland (D)	Y	Y	Y	Y	Y	N	Y
Ellis (R)	*	N	Y	N	*	Y	N
Fazio (D)	Y	Y	Y	Y	Y	Y	Y
Fenton (D)	Y	Y	Y	Y	Y	Y	Y
Gage (D)	Y	Y	Y	Y	Y	N	Y
Goggin (D)	Y	Y	Y	Y	Y	Y	Y
Greene (D)	Y	Y	Y	Y	Y	*	Y
Gualco (D)	*	Y	Y	Y	Y	*	Y
Hallett (R)	N	N	N	N	Y	Y	N
Hart (D)	N	Y	Y	Y	Y	N	Y
Hayden (R)	N	N	N	Y	*	Y	N
Hughes (D)	Y	Y	Y	Y	Y	Y	Y
Imbrecht (R)	N	Y	N	N	Y	Y	Y
Ingalls (D)	*	Y	N	N	Y	Y	N
Kapiloff (D)	Y	Y	Y	Y	Y	N	Y
Keene (D)	*	Y	Y	Y	Y	Y	Y
Keysor (D)	*	Y	Y	Y	Y	Y	Y
Knox (D)	Y	Y	Y	N	Y	Y	Y
Lancaster (R)	N	N	N	N	*	Y	N
Lanterman (R)	N	N	Y	N	N	Y	N
Lehman (D)	Y	Y	Y	Y	Y	Y	Y
Lewis (R)	*	N	N	N	N	Y	N
Lockyer (D)	*	Y	Y	Y	Y	N	Y
Maddy (R)	*	N	N	N	Y	Y	N
Mangers (D)	N	Y	Y	N	Y	N	Y
McAlister (D)	N	Y	Y	N	N	Y	N
McCarthy (D)	Y	Y	Y	Y	Y	*	Y
McVittie (D)	*	Y	N	N	Y	N	Y
Mello (D)	*	Y	Y	Y	Y	Y	Y
Miller (D)	*	Y	Y	Y	Y	N	*
Montoya (D)	N	Y	Y	N	Y	*	N
Mori (D)	Y	Y	Y	Y	Y	N	N
Nestande (R)	Y	N	Y	N	Y	Y	N
Papan (D)	*	Y	Y	N	Y	*	N
Perino (D)	Y	Y	Y	N	Y	Y	Y
Priolo (R)	N	N	Y	N	Y	Y	Y
Robinson (D)	*	N	N	N	Y	N	N
Rosenthal (D)	Y	Y	Y	Y	Y	N	Y
Ryan (R)	Y	Y	Y	Y	Y	N	N
Sieroty (D)	*	Y	Y	Y	*	*	*
Statham (R)	Y	Y	N	N	Y	Y	N
Stirling (R)	N	Y	Y	N	N	Y	Y
Suitt (D)	*	Y	N	N	*	Y	N
Thomas, V. (D)	Y	*	Y	N	Y	Y	*
Thomas, W. (R)	*	N	N	N	N	Y	N
Thurman (D)	N	Y	Y	N	*	Y	N
Torres (D)	Y	Y	Y	Y	Y	Y	Y
Tucker (D)	Y	Y	Y	Y	Y	N	N
Vasconcellos (D)	Y	Y	Y	Y	Y	Y	*
Vicencia (D)	Y	Y	Y	Y	Y	Y	Y
Waters, M. (D)	Y	Y	Y	Y	Y	Y	Y
Waters, N. (D)	Y	Y	Y	Y	Y	Y	Y
Wornum (D)	Y	Y	N	Y	Y	Y	*
Wray (D)	Y	Y	Y	Y	Y	Y	N
Young (D)	N	Y	Y	Y	Y	N	Y

The Journal Introduction Service

Unfortunately, there are still far too many Californians who have not been introduced to the ***California Journal.*** The best way we can reach these neglected souls is with the help of satisfied subscribers.

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DOUBLE-CROSS SOLUTION: A. Rations; B. ID; C. Criminal Justice; D. Hallett; E. A Lorna Doone; F. Rodda; G. Dust bowl; H. Roots; I. Ethos free speech; J. Egos; K. Vincent Thomas; L. ESL integration; M. Sheriff DA Mayor; N. Court & Cabinet; O. ONT; P. Naps; Q. Vosotros; R. Earl Warren; S. NJ T. To house guest; U. In GMSS; V. OAT; W. No growth Wilson.

From Richard Reeves, *Convention,* p. 32: "Robert Strauss, on the Democrats' rejection of Los Angeles as a convention site: 'Who would go someplace where Jerry Brown controls the National Guard? I had visions of riots and him sitting on a mattress and refusing to call out the troops.' "

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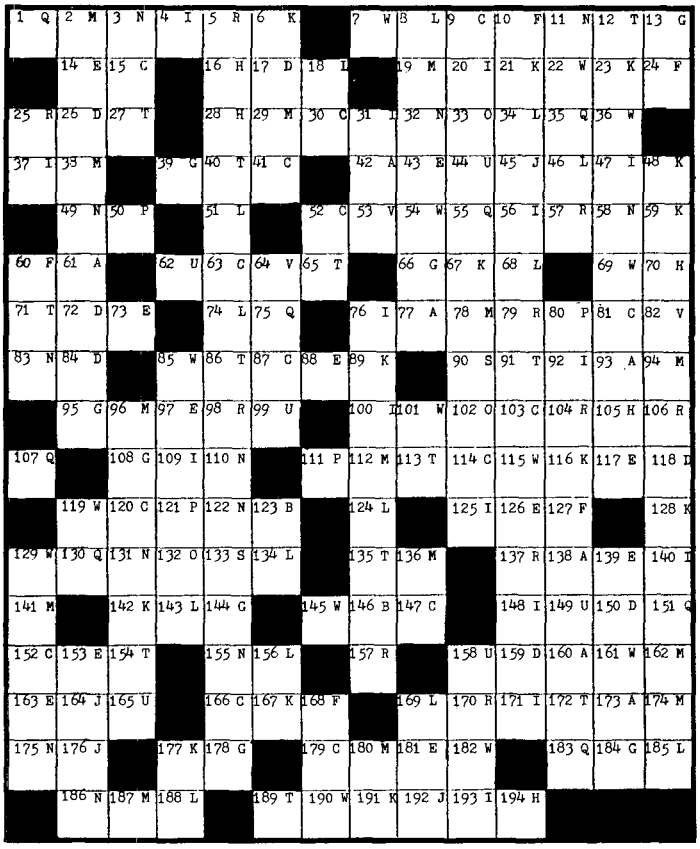
The Political Double-Cross

by Alisa Belinkoff



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Instructions: Although this looks like a crossword puzzle, the words read only across, not up and down. The completed diagram spells out a quote from a book about California politics. Fill in the answers to the clues and transfer the letters to the corresponding spaces in the diagram. You may also work backwards, guessing at words in the diagram and transferring the letters to the clue spaces. The first letters of the clue answers, taken in order, spell out the title and author of the book from which the quote is taken. Most of the clues refer to the California political scene.

Solution on page 177

CLUES

A. What the Water District does, these days. — 93 42 160 138 77 61 173

B. Name ____: PR goal. — 146 123

C. Ex-Sieroty fiefdom. — 179 9 63 147 114 / 15 166 81 30 120 41 / 103 152 52 87

D. San Luis Obispo representative. — 17 159 72 118 84 150 26

E. "A cup of coffee and ____ ____" — help for the businessman? — 117 181 14 88 43 126 / 73 139 97 153 163

F. Formerly, McClatchy's man in Sacramento. — 24 60 168 127 10

G. What the Okies fled. — 144 184 13 108 / 95 178 66 39

H. For Californians, maybe it's *Ramona*. — 28 105 70 16 194

I. Savio atmosphere at Berkeley: an _____ of _____ _____. — 4 140 109 37 76 / 171 92 47 20 / 148 193 31 56 100 125

J. Politicians' are bigger. — 45 176 192 164

K. Namesake of Southern California bridge. — 128 59 167 23 89 116 6 / 177 67 191 21 142 48

L. Chicanos fear ____ programs will be hampered by school _____. — 18 134 46 / 34 156 8 188 / 74 169 51 185 124 68 143

M. Three offices under Barbagelata's fire. — 141 187 29 162 174 38 136 / 19 112 / 78 180 94 2 96

N. Recent Black firsts. — 83 155 11 122 186 & / 32 49 3 131 175 110 58

O. Where McVittie lands on his way home. — 132 102 33

P. Hayakawa habit. — 111 121 80 50

Q. MAPA pronoun. — 55 183 107 35 / 151 1 75 130

R. Former Governor. — 79 157 5 106 / 98 25 137 104 170 57

S. State of dirty politics (abbrev.) — 133 90

T. Start of Carter-Brown detente: Jimmy asked Jerry ___ be his _____ _____. — 189 40 / 86 135 172 12 65 / 154 71 91 27 113

U. Capitol building furore: *discrepancy* ____ _____. — 149 99 44 158 165 62

V. Agency for an era of limits (abbrev.). — 53 82 64

W. Anti-development policy; proponent. — 54 101 / 119 190 22 69 161 145 / 85 129 182 7 115 36

LAST MONTH'S SOLUTION: A. **T**he fair trade law; B. **H**ospitality suite; C. **E**dict; D. **COYOTE**; E. **D**ivining; F. **C**ow counties; G. **W**hip; H. **I** Shot The; I. **L**isten; J. **S**heriff; K. **O**n a blacklist; L. **N**ative Dad; M. **C**hat; N. **A**ugust; O. **R**epublic; P. **E**state; Q. **Y**erba Buena; R. **M**s. Bird; S. **C**ommunist Laborite; T. **W**ays and; U. **I**n; V. **L**ed; W. **L**os pollos; X. **I** was had; Y. **A**ssess; Z. **M**end; AA. **S**troke.

From *The CDC: Yearning for Community* by Wilson Carey McWilliams, in *The California Dream,* page 110: "It was striking how easily an 'issue' was adopted as a plank by the CDC if it sounded reasonably liberal . . . . The CDC does not select issues, it embraces them with a blinding promiscuity, it loves them all, sure that each is but an additional proof of its own virtue."

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A WASHINGTON PERSPECTIVE . . .

By Lou Cannon

Gerald Ford, outflanked again

For a moment, in the second-floor corner room of the Airport Marina Hotel in Los Angeles, it seemed like the 1976 presidential campaign all over again. There was Gerald R. Ford, tall and confident, waiting for the politicians and reporters lined up in the corridor to see him. There were the Secret Service agents, faintly bored at the necessity of protecting a President from his own retinue. There was campaign strategist Stu Spencer, at once informal and alert to whatever Ford was saying. And there was pollster Robert Teeter, who earlier in the day had served as John the Baptist in a speech to GOP legislators carefully explaining why Republican officeholders are becoming as scarce as the eggs of the peregrine falcon.

It was all as it used to be — and as it might have been if Ford had been able to crack the Solid South or if he had done something, anything, to win the votes of Blacks in the big cities, or if he had shown care or boldness in choosing a running mate. If, if, if. The word seemed to resound, unspoken, in the hotel conference room where Ford gave a warm but uninspiring speech urging GOP legislators to follow a moderate course. After narrow political defeats, losers always think of ways they could have won. And they are encouraged — remember Richard Nixon and Hubert Humphrey — to try again in the hope they can correct whatever it was that went wrong the last time.

"Trying again" clearly is on Ford's mind. It shows in his scheduling, in his comments about President Carter, in his continuing close association with the strategists who served him well in the general election. Most of all, it shows in Ford's syntax when he talks about the presidency. Reassuring a legislator from a Northeast state who thought Ford had overemphasized the Sun Belt in his speech, the ex-President said: 'Under no circumstances would I want to be a regional candidate, and our party should not be a regional party." In our time and country the American "I" has vanquished and replaced the imperial "we." "I am not about to let anyone preempt the Republican presidential position," Ford said on the plane which carried him away from Washington on the day of Jimmy Carter's inauguration.

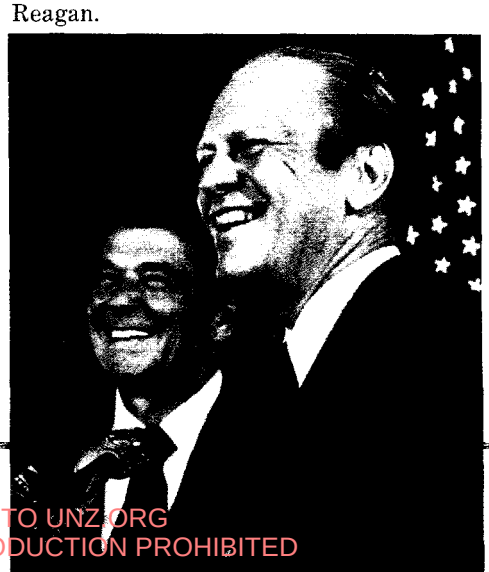
* * *

Ford seemed more the President on that plane, and again in April at the Airport Marina Hotel, than he had been in the White House. For most of his brief presidency, Ford was haunted by the belief, widespread if unjust, that he was an accidental President who was in over his head. Then came the embarrassment of the Ronald Reagan challenge, which nearly succeeded in denying Ford the Republican nomination. Though no one planned it that way, Ford discovered his presidential qualities in defeating Reagan. Beginning with his acceptance speech at Kansas City, Ford seemed a confident and secure President who communicated his own reliability to the American people. Despite lapses such as the "Polish blunder" in his second debate with Carter, Ford's conduct in the general election was that of a man who had come to regard himself as a legitimate President in his own right. This self-assurance served him well with voters, at least outside the South. After the election, Ford soared even higher in public esteem for the manner in which he transferred power to the man who had defeated him.

Now, in his Palm Springs retirement, Ford looks upon himself as the natural leader of his wounded party. This leadership would be taken for granted except for the presence of his old foe, the former governor of California. Paul Haerle made a valid point (*CJ*, April 1977) when he said that both Ford and Reagan underestimated each other. Strangely enough, they still do. Reagan still acts as if he thought Ford were some obscure congressional hack who mistakenly pretended to party leadership. Ford behaves as if Reagan were the head of a right-wing sect despised by the rank-and-file of his own party. This tension showed in Reagan's refusal of an invitation by Assembly Minority Leader Paul Priolo to appear at the GOP legislative conference. Reagan begged off on the basis of other commitments, no doubt believing that the event was basically a Ford show. The other commitment turned out to be that old standby, the California Republican Assembly, which met that night in Santa Barbara. Reagan's speech broke no new ground but assured the conservative faithful that their authentic leader is alive and well, ready for another race.

* * *

On balance, the weekend was a plus for Reagan, who continues to get media play equal to Ford, both inside and outside of California. And Reagan is far freer than Ford to criticize the Democratic President, as the leader of an opposition party is supposed to do. Ford's rather gentle criticism of Carter's anti-inflation policies was denounced by Vice President Mondale as "unbecoming" for a former President. The counter-attack perfectly illustrated the Ford dilemma, which began in 1974 when he named Nelson Rockefeller as his vice president. In order to seem a reasonable man deserving of the approval of his countrymen, Ford must talk with a moderate voice and show respect for the office he inherited through the grace of the 25th amendment. But this conduct will not make conservative hearts go pit-a-pat. Instead, it reminds the true believers that they were right in insisting that Reagan was the real conservative. Six months out of office, the former President seems a good and gracious man who has once more been outflanked by Ronald Reagan.



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